

**Miscellaneous Docket Sheet**

Commonwealth Court of Pennsylvania

Docket Number: 112 MD 2016

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April 25, 2018

**CAPTION**

In Re: Nomination Petitions of  
 Brian A. Gordon as a Democratic  
 Candidate for Congress in the 2nd  
 Congressional District

Petition of: Pamela Gabell and  
 John Packard

**CASE INFORMATION**

Initiating Document: Objection to Nominating Petition

Case Status: Closed

Case Processing Status: March 18, 2016 Completed

Journal Number:

Case Category: Election Case Type(s): Objection to Nomination Papers

**CONSOLIDATED CASES****RELATED CASES****COUNSEL INFORMATION**

**Petitioner Packard, John**

Pro Se: No

IFP Status:

Attorney: Otter, Lawrence M.  
 Address: PO Box 575  
 Silverdale, PA 18962-0575  
 Phone No: (267) 261-2948  
 Phone No: (215) 230-5330

Fax No:

Attorney: Steckerl, Eric S.  
 Address: PO Box 26627  
 Collegeville, PA 19426  
 Phone No: (610) 564-2836

Fax No:

**Petitioner Gabell, Pamela**

Pro Se: No

IFP Status:

Attorney: Otter, Lawrence M.  
 Address: PO Box 575  
 Silverdale, PA 18962-0575  
 Phone No: (267) 261-2948  
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**COUNSEL INFORMATION****Other**      **Kotula, Kathleen**

Pro Se:              No

IFP Status:

Attorney:              Kotula, Kathleen Marie  
 Law Firm:              PA Department of State  
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                               401 North Street  
                               Harrisburg, PA 17120

Phone No:              (717) 783-0736                      Fax No: (717) 214-9899

**Respondent**      **Gordon, Brian A.**

Pro Se:              No

IFP Status:

Attorney:              Gordon, Brian Anthony  
 Law Firm:              Gordon & Ashworth, P.C.  
 Address:                Gordon & Ashworth PC  
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**FEE INFORMATION**

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
02/23/2016	Miscellaneous Docket Filing Fee	65.50	02/23/2016	2016-CMW-H-000442	65.50

**AGENCY/TRIAL COURT INFORMATION**

Court Below:

County:

Order Appealed From:

Documents Received:    February 23, 2016

Order Type:

OTN(s):

Lower Ct Docket No(s):

Lower Ct Judge(s):

Division:

Judicial District:

Notice of Appeal Filed:

**ORIGINAL RECORD CONTENT**

Original Record Item	Filed Date	Content Description
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**Date of Remand of Record:****BRIEFING SCHEDULE**

None

None

**DOCKET ENTRY**

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>February 23, 2016</b>	Objection to Nominating Petition Gabell, Pamela Packard, John		Petitioner Petitioner	

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**DOCKET ENTRY**

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>February 24, 2016</b>	Order Filed Per Curiam			02/24/2016
Document Name: Scheduling and Case Management Order				

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## DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
	<p>Comment: NOW, February 24, 2016, upon consideration of the petition to set aside nomination petition:</p> <p>1. IT IS HEREBY ORDERED:</p> <p>A. Hearing on the petition to set aside nomination petition is scheduled for March 17, 2016, at 9:30 a.m., in Courtroom Number 2, Widener Building. Objector is directed to secure the services of a court stenographer for the hearing. Failure of Objector to secure the services of a court stenographer may result in the dismissal of this matter.</p> <p>B. If signature lines are challenged, Objector shall secure, by request or subpoena, the presence of a Statewide Uniform Registry of Electors (SURE) system operator at the hearing.</p> <p>C. A pre-trial conference may be scheduled at any time after March 7, 2016.</p> <p>D. No later than 5:00 p.m. on March 4, 2016, Objector shall personally serve a copy of this order, a copy of the petition to set aside nomination petitions (if the petition to set aside has not previously been served) and, if signature line challenges are at issue, one digital media device (CD or USB Flash Drive) containing the objections in spreadsheet format and a key to the codes used in the spreadsheet, on Brian A. Gordon, Candidate, or an adult member of Candidate's family. Objector shall file a proof of service with the Chief Clerk promptly thereafter.</p> <p>E. Objector shall personally or by registered mail serve a copy of this order on the Secretary of the Commonwealth and promptly thereafter file a proof of service with the Chief Clerk.</p> <p>F. At the time of hearing, Objector shall offer proof of timely service of the petition to set aside on the Secretary of the Commonwealth.</p> <p>G. All counsel are under a continuing obligation and are hereby ordered to serve a copy of this order upon all unrepresented parties, if any, and upon all counsel entering an appearance subsequent to the entry of this order.</p> <p>2. It is FURTHER ORDERED:</p> <p>A. Objector shall file a list of all witnesses to be called at the hearing and the curriculum vitae and expert reports of all expert witnesses. Any witness not identified shall be precluded from testifying except for good cause shown.</p> <p>B. Candidate shall file a list of all witnesses to be called at the hearing and the curriculum vitae and expert reports of all expert witnesses. Any witness not identified shall be precluded from testifying except for good cause shown.</p> <p>3. If signature line challenges are at issue, it is FURTHER ORDERED:</p> <p>A. Objector shall immediately arrange to meet with Candidate or Candidate's representative and, if appropriate, with a SURE system operator, to review before the hearing each and every challenged signature line.</p> <p>B. Objector and Candidate shall file a stipulation of the parties that identifies:</p> <p>(a) the total number of completed signature lines submitted;</p> <p>(b) the total number of uncontested signature lines submitted;</p> <p>(c) the total number of signature lines challenged;</p> <p>(d) each and every signature line to which there is an objection, identified by page number and line number, and the basis for the objection;</p> <p>(e) each and every signature line to be stricken as invalid or for which an objection is to be withdrawn, identified by page number and line number, if the parties can reach such a stipulation.</p> <p>C. Candidate shall file a list of all signature lines, identified by page number and line number, that are facially defective and that Candidate intends to rehabilitate. Candidate shall also state the manner in which Candidate intends to rehabilitate the signature lines.</p> <p>4. Objector and Candidate may each file a memorandum of law in support of their respective positions by the time and date specified in paragraph 5 of this order. No further memoranda will be permitted unless ordered by the Court.</p>			

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	<p>5. Unless otherwise ordered, all filings required or permitted by paragraphs 2, 3 and 4 of this order shall be filed no later than 12:00 o'clock noon on March 15, 2016 with the Chief Clerk at the Pennsylvania Judicial Center, Suite 2100, 601 Commonwealth Avenue, P.O. Box 69185, Harrisburg, PA 17106-9185. Parties may file via PACFile (the Pennsylvania appellate court electronic filing system) but may NOT file by facsimile or e-mail without express prior permission from the Court.</p> <p>6. Failure to comply with any provision of this order may preclude the noncompliant party from entering any evidence, and may result in the imposition of monetary sanctions.</p>			
<b>March 11, 2016</b>	Entry of Appearance Gordon, Brian Anthony	Gordon, Brian A.	Respondent	
<b>March 13, 2016</b>	Entry of Appearance Steckerl, Eric S. Steckerl, Eric S.	Gabell, Pamela Packard, John	Petitioner Petitioner	
<b>March 14, 2016</b>	Filed - Other Otter, Lawrence M. Otter, Lawrence M.	Gabell, Pamela Packard, John	Petitioner Petitioner	
	Document Name: Petitioners'/Objectors' Witness List			
<b>March 15, 2016</b>	Stipulation Filed Otter, Lawrence M. Otter, Lawrence M. Steckerl, Eric S. Steckerl, Eric S.	Gabell, Pamela Packard, John Gabell, Pamela Packard, John	Petitioner Petitioner Petitioner Petitioner	
	Document Name: Petitioners'/Objectors' Proposed Joint Stipulation			
<b>March 15, 2016</b>	Filed - Other Gordon, Brian Anthony	Gordon, Brian A.	Respondent	
	Document Name: Candidate's Witness List			
<b>March 15, 2016</b>	Stipulation Filed Gordon, Brian Anthony	Gordon, Brian A.	Respondent	
	Document Name: Candidate's Proposed Stipulation			
<b>March 18, 2016</b>	Memorandum/Order Leadbetter, Bonnie Brigance			03/18/2016
	<p>Document Name: It appearing that the Candidate has sufficient valid signatures on his Nom. Pet.,</p> <p>Comment: it is hereby ORDERED that the Petition to Set Aside is DENIED. The Secretary of the Commonwealth is directed to certify Brian A. Gordon as a candidate for the Democratic Party Nomination for Representative in the United States Congress for the 2nd Congressional District in the Primary Election of April 26, 2016. The Chief Clerk of the Commonwealth Court is directed to send a copy of this Order to the Secretary of the Commonwealth. Each party shall bear his own costs.</p>			
<b>March 25, 2016</b>	Notice of Appeal to PA Supreme Court Filed Otter, Lawrence M. Otter, Lawrence M.	Gabell, Pamela Packard, John	Petitioner Petitioner	
	Document Name: 33 MAP 2016			
	Comment: Record forwarded to Middle District on 3/29/2016.			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>March 25, 2016</b>	Filed - Other			
	Otter, Lawrence M.	Gabell, Pamela	Petitioner	
	Otter, Lawrence M.	Packard, John	Petitioner	
	Document Name: Jurisdictional Statement			
<b>March 25, 2016</b>	Filed - Other			
	Otter, Lawrence M.	Gabell, Pamela	Petitioner	
	Otter, Lawrence M.	Packard, John	Petitioner	
	Document Name: Amended proof of service			
<b>March 28, 2016</b>	Filed - Other			
	Otter, Lawrence M.	Gabell, Pamela	Petitioner	
	Otter, Lawrence M.	Packard, John	Petitioner	
	Document Name: Amended jurisdictional statement.			
<b>March 28, 2016</b>	Filed - Other			
	Otter, Lawrence M.	Gabell, Pamela	Petitioner	
	Otter, Lawrence M.	Packard, John	Petitioner	
	Document Name: Amended jurisdictional statement.			
<b>March 29, 2016</b>	Certificate of Service Filed Commonwealth Court Filing Office			
	Document Name: List of documents forwarded to counsel & all unrepresented parties pursuant to Pa. R.A.P. 1931(d).			
<b>April 11, 2016</b>	Commonwealth Court Decision Affirmed Supreme Court of Pennsylvania			
	Document Name: 33 MAP 2016			
<b>April 28, 2016</b>	Order Filed			04/28/2016
	Leadbetter, Bonnie Brigance			
	Document Name: It is ordered that the Mem. and Order filed 3-18-16 shall be designated Opin. and shall be reported.			

## DISPOSITION INFORMATION

Final Disposition:	Yes		
Related Journal No:		Judgment Date:	
Category:	Disposed Before Decision	Disposition Author:	Leadbetter, Bonnie Brigance
Disposition:	Memorandum/Order	Disposition Date:	March 18, 2016
Disposition Comment:	it is hereby ORDERED that the Petition to Set Aside is DENIED. The Secretary of the Commonwealth is directed to certify Brian A. Gordon as a candidate for the Democratic Party Nomination for Representative in the United States Congress for the 2nd Congressional District in the Primary Election of April 26, 2016. The Chief Clerk of the Commonwealth Court is directed to send a copy of this Order to the Secretary of the Commonwealth. Each party shall bear his own costs.		
Dispositional Filing:	<b>Opinion</b>	Filing Author:	Leadbetter, Bonnie Brigance
Filed Date:	3/18/2016 12:00:00AM		