

Miscellaneous Docket Sheet

Docket Number: 112 MD 2016

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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:

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Petitioner Gabell, Pamela

Pro Se: No

IFP Status:

Attorney: Otter, Lawrence M.
Address: PO Box 575 Silverdale, PA 18962-0575
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**COUNSEL INFORMATION****Other** **Kotula, Kathleen**

Pro Se: No

IFP Status:

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 Law Firm: PA Department of State
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Respondent **Gordon, Brian A.**

Pro Se: No

IFP Status:

Attorney: Gordon, Brian Anthony
 Law Firm: Gordon & Ashworth, P.C.
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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
February 23, 2016	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
February 24, 2016	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>			
March 11, 2016	Entry of Appearance Gordon, Brian Anthony	Gordon, Brian A.	Respondent	
March 13, 2016	Entry of Appearance Steckerl, Eric S. Steckerl, Eric S.	Gabell, Pamela Packard, John	Petitioner Petitioner	
March 14, 2016	Filed - Other Otter, Lawrence M. Otter, Lawrence M.	Gabell, Pamela Packard, John	Petitioner Petitioner	
	Document Name: Petitioners'/Objectors' Witness List			
March 15, 2016	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			
March 15, 2016	Filed - Other Gordon, Brian Anthony	Gordon, Brian A.	Respondent	
	Document Name: Candidate's Witness List			
March 15, 2016	Stipulation Filed Gordon, Brian Anthony	Gordon, Brian A.	Respondent	
	Document Name: Candidate's Proposed Stipulation			
March 18, 2016	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>			
March 25, 2016	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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March 25, 2016	Filed - Other			
	Otter, Lawrence M.	Gabell, Pamela	Petitioner	
	Otter, Lawrence M.	Packard, John	Petitioner	
	Document Name: Jurisdictional Statement			
March 25, 2016	Filed - Other			
	Otter, Lawrence M.	Gabell, Pamela	Petitioner	
	Otter, Lawrence M.	Packard, John	Petitioner	
	Document Name: Amended proof of service			
March 28, 2016	Filed - Other			
	Otter, Lawrence M.	Gabell, Pamela	Petitioner	
	Otter, Lawrence M.	Packard, John	Petitioner	
	Document Name: Amended jurisdictional statement.			
March 28, 2016	Filed - Other			
	Otter, Lawrence M.	Gabell, Pamela	Petitioner	
	Otter, Lawrence M.	Packard, John	Petitioner	
	Document Name: Amended jurisdictional statement.			
March 29, 2016	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).			
April 11, 2016	Commonwealth Court Decision Affirmed			
	Supreme Court of Pennsylvania			
	Document Name: 33 MAP 2016			
April 28, 2016	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:	Opinion	Filing Author:	Leadbetter, Bonnie Brigance
Filed Date:	3/18/2016 12:00:00AM		