

Miscellaneous Docket Sheet

Docket Number: 159 MD 2019

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September 17, 2019



CAPTION

In Re: The Nomination of Petitions of Vincent Melchiorre as a Democratic Candidate for Judge of the Court of Common Pleas in Philadelphia County

Petition of: David J. Zellat and Doris E. Johnson

CASE INFORMATION

Initiating Document: Objection to Nominating Petition
Case Status: Closed
Case Processing Status: March 29, 2019 Completed
Journal Number:
Case Category: Election Case Type(s): Objection to Nomination Papers

CONSOLIDATED CASES

RELATED CASES

COUNSEL INFORMATION

Petitioner Zellat, David J.
Pro Se: No
IFP Status:
Attorney: Otter, Lawrence M.
Address: Po Box 575 Silverdale, PA 18962-0575
Phone No: (267) 261-2948 Fax No:

Petitioner Johnson, Doris E.
Pro Se: No
IFP Status:
Attorney: Otter, Lawrence M.
Address: Po Box 575 Silverdale, PA 18962-0575
Phone No: (267) 261-2948 Fax No:

Other Kotula, Kathleen
Pro Se: No
IFP Status:
Attorney: Kotula, Kathleen Marie
Law Firm: Pennsylvania Department of State
Address: Bureau of Commissions, Elections and Legislation 306 North Office Building Harrisburg, PA 17120
Phone No: (717) 783-0736 Fax No: (717) 214-9899

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COUNSEL INFORMATION

Respondent Melchiorre, Vincent
Pro Se: No
IFP Status:
Attorney: Stretton, Samuel C.
Address: Law Ofc Of Samuel C Stretton
Po Box 3231
West Chester, PA 19381-3231
Phone No: (610) 696-4243 Fax No:

FEE INFORMATION

Table with 5 columns: Fee Dt, Fee Name, Fee Amt, Receipt Dt, Receipt No, Receipt Amt. Row 1: 03/19/2019, Miscellaneous Docket Filing Fee, 70.25, 03/19/2019, 2019-CMW-H-000562, 70.25

AGENCY/TRIAL COURT INFORMATION

Order Appealed From: Notice of Appeal Filed:
Order Type:
Documents Received: March 19, 2019

Court Below:
County: Division:
Judge: OTN:
Docket Number: Judicial District:

ORIGINAL RECORD CONTENT

Table with 3 columns: Original Record Item, Filed Date, Content Description

Date of Remand of Record:

BRIEFING SCHEDULE

None None

DOCKET ENTRY

Table with 5 columns: Filed Date, Docket Entry / Filer, Representing, Participant Type, Exit Date. Rows include March 19, 2019 (Objection to Nominating Petition) and March 20, 2019 (Order Filed Per Curiam).

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## DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
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Comment: NOW, March 20, 2019 upon consideration of the petition to set aside nomination petitions:

1. IT IS HEREBY ORDERED:

A. Hearing on the petition to set aside nomination petitions is scheduled for Wednesday, March 27, 2019, at 10:00 a.m., in Courtroom Number 2, Philadelphia, 9th Floor, Widener Building, One South Penn Square, Philadelphia, Pennsylvania. Objectors are directed to secure the services of a court stenographer for the hearing. Failure of Objectors to secure the services of a court stenographer may result in the dismissal of this matter.

B. If signature lines are challenged, Objectors shall secure, by request or subpoena, the presence of a Statewide Uniform Registry of Electors (SURE) system operator at the hearing.

C. A pre-trial conference may be scheduled at any time after Friday, March 22, 2019.

D. No later than 5:00 p.m., March 22, 2019, Objectors 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 abbreviations used in the spreadsheet, on Vincent Melchiorre, Candidate, or at Candidate's residence on an adult member of Candidate's household, but if no adult member of Candidate's household is present, then on an adult person in charge of the residence, or at Candidate's campaign office on a person in charge thereof. Objectors shall file a proof of service with the Chief Clerk promptly thereafter.

E. Objectors 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.

F. At the time of hearing, Objectors shall offer proof of timely service of the petition to set aside on the Secretary of the Commonwealth.

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.

2. It is FURTHER ORDERED:

A. Objectors shall file a list of all witnesses to be called at the hearing and the curriculum vitae and expert report for each expert witness. Any witness not identified shall be precluded from testifying except for good cause shown.

B. Candidate shall file a list of all witnesses to be called at the hearing and the curriculum vitae and expert report for each expert witness. Any witness not identified shall be precluded from testifying except for good cause



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shown.

3. If signature line challenges are at issue, it is FURTHER ORDERED:

A. Objectors 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.

B. Objectors and Candidate shall file a stipulation of the parties that identifies:

(a) the total number of completed signature lines submitted;

(b) the total number of uncontested signature lines submitted;

(c) the total number of signature lines challenged;

(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; and

(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.

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.

4. Objectors 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.

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 noon on Monday, March 25, 2019, 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 P ACFile (the Pennsylvania appellate court electronic filing system) but may NOT file by facsimile or e-mail without express prior permission from the Court.

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

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
	monetary sanctions.			
<b>March 22, 2019</b>	Application for Relief Otter, Lawrence M. Otter, Lawrence M.	Zellat, David J. Johnson, Doris E.	Petitioner Petitioner	
<b>March 23, 2019</b>	Order Granting Application for Relief Per Curiam			03/23/2019
	Document Name: Order granting Motion for Alternative Service and Extension of Time to Serve Vincent Melchiorre			
	Comment: AND NOW, this 23rd day of March, 2019, upon consideration of Petitioners' Motion for Alternative Service and Extension of Time to Serve Vincent Melchiorre, the Motion is GRANTED.			
	<p>The time for Petitioners to serve upon Respondent of a copy of 1) the Petition to Set Aside Nominating Petitions, 2) the accompanying electronic media device, if any, 3) the March 20, 2019 Scheduling and Case Management Order, and 4) this Order (collectively, Service Packet), is hereby enlarged until Monday, March 25, 2019, at 11:00 a.m. Petitioners may effectuate service by posting the Service Packet at the residence of Respondent Vincent Melchiorre at 3206 Napoli Way, Philadelphia, PA, and by mailing using United States Postal Service or commercial carrier overnight service so that the Service Packet is delivered on or before Monday, March 25, 2019, at 11:00 a.m. Petitioners shall promptly file proof of service.</p> <p>The parties shall immediately arrange to meet, at an agreed-upon time and location, to conduct a line-by-line review of the challenged signature lines, in accordance with Paragraph 3 of the March 20, 2019 Scheduling and Case Management Order. Paragraph 5 of the March 20, 2019 Scheduling and Case Management Order is amended to provide that all required or permitted filings shall be filed no later than 4:00 p.m. on Tuesday, March, 26, 2019.</p> <p>All other provisions of the March 20, 2019 Scheduling and Case Management Order, including the hearing date and time set forth in Paragraph 1, remain in effect.</p>			
<b>March 25, 2019</b>	Entry of Appearance Stretton, Samuel C.	Melchiorre, Vincent	Respondent	
<b>March 25, 2019</b>	Filed - Other Stretton, Samuel C.	Melchiorre, Vincent	Respondent	
	Document Name: Petition of the Respondent, Vincent Melchiorre, to Dismiss the Challenge to His Nominating Petitions			
	Comment: Due to Lack of Timely Service			
<b>March 26, 2019</b>	Application for Continuance Otter, Lawrence M. Otter, Lawrence M. Stretton, Samuel C.	Zellat, David J. Johnson, Doris E. Melchiorre, Vincent	Petitioner Petitioner Respondent	
	Document Name: Joint Motion for Extension of Time to Review Signature and Reschedule Hearing Date			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>March 26, 2019</b>	Order Filed Per Curiam			03/26/2019
	Document Name: upon consideration of the Joint Motion for Extension of Time to Review Signature and Reschedule Comment: Hearing Date, the motion is GRANTED.			
	The hearing on the petition to set aside nomination petitions, previously scheduled for Wednesday, March 27, 2019, is CONTINUED to Monday, April 1, 2019, at 1:00 p.m., in Courtroom Number 1, 9th Floor, Widener Building, One South Penn Square, Philadelphia, Pennsylvania.			
	The parties shall immediately arrange to meet, at an agreed-upon time and location, to conduct a line-by-line review of the challenged. signature lines, in accordance with Paragraph 3 of the March 20, 2019 Scheduling and Case Management Order. Paragraph 5 of the March 20, 2019 Scheduling and Case Management Order is amended to provide that all required or permitted filings shall be filed no later than 4:00 p.m. on Friday, March 29, 2019.			
	All other provisions of the March 20, 2019 Scheduling and Case Management Order remain in effect.			
<b>March 27, 2019</b>	Praecipe to Withdraw Stretton, Samuel C.	Melchiorre, Vincent	Respondent	
	Document Name: Praecipe of Vincent Melchiorre to Withdraw His Nominating Petitions			
<b>March 28, 2019</b>	Praecipe for Discontinuance Otter, Lawrence M. Otter, Lawrence M.	Zellat, David J. Johnson, Doris E.	Petitioner Petitioner	
	Document Name: PACFILED Praecipe to Discontinue and End the Objector's Petition			
<b>March 28, 2019</b>	Praecipe for Discontinuance Otter, Lawrence M. Otter, Lawrence M.	Zellat, David J. Johnson, Doris E.	Petitioner Petitioner	
	Document Name: Praecipe to Discontinue and End the Objector's Petition			
<b>March 29, 2019</b>	Discontinued Per Curiam			03/29/2019
	Document Name: Upon consideration of the Praecipe to Discontinue and End the Objector's Petition, the Chief Clerk Comment: shall mark this matter as discontinued and ended. The hearing is scheduled for April 1, 2019, at 1:00 p.m. in Courtroom 1, Widener Building, One South Square, Philadelphia Pennsylvania, is CANCELLED.			

## DISPOSITION INFORMATION

Final Disposition:	Yes	Judgment Date:	
Related Journal No:		Disposition Author:	Per Curiam
Category:	Disposed Before Decision	Disposition Date:	March 29, 2019
Disposition:	Discontinued		
Disposition Comment:	shall mark this matter as discontinued and ended. The hearing is scheduled for April 1, 2019, at 1:00 p.m. in Courtroom 1, Widener Building, One South Square, Philadelphia Pennsylvania, is CANCELLED.		
Dispositional Filing:		Filing Author:	
Filed Date:			