



CAPTION

The Honorable Mike Kelly, Sean Parnell, Thomas A. Frank, Nancy Kierzek, Derek Magee, Robin Sauter, Michael Kincaid, and Wanda Logan

v.

Commonwealth of Pennsylvania, Pennsylvania General Assembly, Honorable Thomas W. Wolf, Kathy Boockvar

Appeal of: Commonwealth of Pennsylvania, Honorable Thomas W. Wolf, Kathy Boockvar

CASE INFORMATION

Initiating Document: Notice of Appeal

Case Status: Closed

Journal Number:

Case Category: Election Case Type(s): Election

CONSOLIDATED CASES

RELATED CASES

COUNSEL INFORMATION

Attorney: Hangley, Michele D.
Hangley, Aronchick, Segal, Pudlin & Schiller

Address: Hangley Aronchick Et Al
1 Logan Sq Fl 27
Philadelphia, PA 19103-6995

Phone No: (215) 496-7061

Receive Mail: Yes

Receive EMail: Yes Email:

Representing: Boockvar, Kathy, Appellant
Pro Se: No
IFP Status:

Representing: Commonwealth of Pennsylvania, Appellant
Pro Se: No
IFP Status:

Representing: Wolf, Thomas W., Appellant
Pro Se: No
IFP Status:



COUNSEL INFORMATION

Attorney: Berke, Barry H.
Pro Hac Vice

Address: Kramer Levin Naftalis & Frankel LLP
1177 Avenue of the Americas
30th Floor
New York, NY 10036

Receive Mail: Yes

Representing: Boockvar, Kathy, Appellant
Pro Se: No
IFP Status:

Representing: Commonwealth of Pennsylvania, Appellant
Pro Se: No
IFP Status:

Representing: Wolf, Thomas W., Appellant
Pro Se: No
IFP Status:

Attorney: Coit, John Gracie Mackay
Hangley Aronchick Segal Pudlin & Schiller

Address: 1 Logan Sq
27th Floor
Philadelphia, PA 19103

Phone No: (207) 749-9050

Receive Mail: Yes

Receive EMail: Yes Email:

Representing: Boockvar, Kathy, Appellant
Pro Se: No
IFP Status:

Representing: Commonwealth of Pennsylvania, Appellant
Pro Se: No
IFP Status:

Representing: Wolf, Thomas W., Appellant
Pro Se: No
IFP Status:



COUNSEL INFORMATION

Attorney: James, Dani R.
Pro Hac Vice

Address: Kramer Levin Naftalis & Frankel LLP
1177 Avenue of the Americas
New York, NY 10036

Receive Mail: Yes

Representing: Boockvar, Kathy, Appellant
Pro Se: No
IFP Status:

Representing: Commonwealth of Pennsylvania, Appellant
Pro Se: No
IFP Status:

Representing: Wolf, Thomas W., Appellant
Pro Se: No
IFP Status:

Attorney: Neary, Keli Marie
Pennsylvania Office of Attorney General

Address: Pa Attorney General Civil Law
Strawberry Sq 15th Fl
Harrisburg, PA 17120-0001
(717) 787-1180

Phone No: (717) 787-1180

Receive Mail: Yes

Receive EMail: Yes Email:

Representing: Boockvar, Kathy, Appellant
Pro Se: No
IFP Status:

Representing: Commonwealth of Pennsylvania, Appellant
Pro Se: No
IFP Status:

Representing: Wolf, Thomas W., Appellant
Pro Se: No
IFP Status:



COUNSEL INFORMATION

Attorney: Romano, Karen Mascio
 Pennsylvania Office of Attorney General
 Address: Pa Ofc Of Attorney General
 Strawberry Sq Fl 15
 Harrisburg, PA 17120
 Phone No: (717) 787-2717
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Boockvar, Kathy, Appellant
 Pro Se: No
 IFP Status:
 Representing: Commonwealth of Pennsylvania, Appellant
 Pro Se: No
 IFP Status:
 Representing: Wolf, Thomas W., Appellant
 Pro Se: No
 IFP Status:

Attorney: Wiygul, Robert Andrew
 Hangle, Aronchick, Segal, Pudlin & Schiller
 Address: Hangle Aronchick Et Al
 18TH Cherry Sts Fl 27
 Philadelphia, PA 19103
 Phone No: (215) 496-7042
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Boockvar, Kathy, Appellant
 Pro Se: No
 IFP Status:
 Representing: Commonwealth of Pennsylvania, Appellant
 Pro Se: No
 IFP Status:
 Representing: Wolf, Thomas W., Appellant
 Pro Se: No
 IFP Status:

Attorney: Myers, Karl Stewart
 Stradley, Ronon, Stevens & Young, LLP
 Address: Stradley Ronon Et Al
 2600 One Commerce Sq
 Philadelphia, PA 19103-7098
 Phone No: (215) 564-8193
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Pennsylvania General Assembly, Appellee
 Pro Se: No
 IFP Status:



COUNSEL INFORMATION

Attorney: Teufel, Gregory Hugh
 OGC Law, LLC
 Address: Ogc Law LLC
 1575 Mcfarland Rd Ste 201
 Pittsburgh, PA 15216
 Phone No: (412) 253-4622
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Frank, Thomas A., Appellee
 Pro Se: No
 IFP Status:
 Representing: Kelly, Mike, Appellee
 Pro Se: No
 IFP Status:
 Representing: Kierzek, Nancy, Appellee
 Pro Se: No
 IFP Status:
 Representing: Kincaid, Michael, Appellee
 Pro Se: No
 IFP Status:
 Representing: Logan, Wanda, Appellee
 Pro Se: No
 IFP Status:
 Representing: Magee, Derek, Appellee
 Pro Se: No
 IFP Status:
 Representing: Parnell, Sean, Appellee
 Pro Se: No
 IFP Status:
 Representing: Sauter, Robin, Appellee
 Pro Se: No
 IFP Status:

Attorney: Bloom, Jonathan F.
 Stradley, Ronon, Stevens & Young, LLP
 Address: Stradley Ronon Et Al
 2600 One Commerce Sq
 Philadelphia, PA 19103
 Phone No: (215) 564-8065
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Pennsylvania General Assembly, Appellee
 Pro Se: No
 IFP Status:



COUNSEL INFORMATION

Attorney: Perry, Melissa Lynn
Stradley, Ronon, Stevens & Young, LLP
Address: Stradley Ronon Stevens & Young
2005 Market St Ste 2600
Philadelphia, PA 19103
Phone No: (917) 703-9137
Receive Mail: Yes
Representing: Pennsylvania General Assembly, Appellee
Pro Se: No
IFP Status:

Attorney: Short, Spencer Ryun
Stradley, Ronon, Stevens & Young, LLP
Address: Stradley Ronon Stevens & Young
2005 Market St Ste 2600
Philadelphia, PA 19103
Phone No: (215) 564-8127
Receive Mail: Yes
Representing: Pennsylvania General Assembly, Appellee
Pro Se: No
IFP Status:



COUNSEL INFORMATION

Attorney:	DeAngelo, James Paul	
	McNees Wallace & Nurick LLC	
Address:	Po Box 1166	
	Harrisburg, PA 17108-1166	
Phone No:	(717) 232-8000	
Receive Mail:	Yes	
Receive EMail:	Yes	Email:
Representing:	Ayer, Donald, Amicus Curiae	
Pro Se:	No	
IFP Status:		
Representing:	Bellinger III, John, Amicus Curiae	
Pro Se:	No	
IFP Status:		
Representing:	Bernstein, Richard, Amicus Curiae	
Pro Se:	No	
IFP Status:		
Representing:	Danforth, John, Amicus Curiae	
Pro Se:	No	
IFP Status:		
Representing:	Gerson, Stuart M., Amicus Curiae	
Pro Se:	No	
IFP Status:		
Representing:	Larson, Edward J., Amicus Curiae	
Pro Se:	No	
IFP Status:		
Representing:	Morella, Constance, Amicus Curiae	
Pro Se:	No	
IFP Status:		
Representing:	Paulsen, Michael Stokes, Amicus Curiae	
Pro Se:	No	
IFP Status:		
Representing:	Phillips, Carter, Amicus Curiae	
Pro Se:	No	
IFP Status:		
Representing:	Raul, Alan Charles, Amicus Curiae	
Pro Se:	No	
IFP Status:		
Representing:	Rosenzweig, Paul, Amicus Curiae	
Pro Se:	No	
IFP Status:		
Representing:	Shanks, Robert, Amicus Curiae	
Pro Se:	No	
IFP Status:		
Representing:	Shays, Christopher, Amicus Curiae	
Pro Se:	No	
IFP Status:		
Representing:	Todd Whitman, Christine, Amicus Curiae	
Pro Se:	No	
IFP Status:		



COUNSEL INFORMATION

Representing: Twardy, Stanley, Amicus Curiae

Pro Se: No

IFP Status:

Representing: Weicker, Lowell, Amicus Curiae

Pro Se: No

IFP Status:

Representing: Whittington, Keith, Amicus Curiae

Pro Se: No

IFP Status:

Attorney: Kotula, Kathleen Marie

Pennsylvania Department of State

Address: Bureau of Commissions, Elections and Legislation

306 North Office Building

Harrisburg, PA 17120

Phone No: (717) 783-0736

Receive Mail: Yes

Receive EMail: Yes

Email:

Representing: Kotula, Kathleen, Participants

Pro Se: No

IFP Status:

Attorney: Vahey, Matthew Ian

Ballard Spahr, LLP

Address: Ballard Spahr Llp

1735 Market St 51st Fl

Philadelphia, PA 19103

Phone No: (215) 864-8485

Receive Mail: Yes

Receive EMail: Yes

Email:

Representing: DNC Services Corp. / Democratic National Committee, Possible Intervenor

Pro Se: No

IFP Status:

Attorney: Bonin, Adam Craig

The Law Office of Adam C. Bonin

Address: 121 S Broad St

Ste 400

Philadelphia, PA 19107

Phone No: (267) 242-5014

Representing: DNC Services Corp. / Democratic National Committee, Possible Intervenor

Pro Se: No

IFP Status:



COUNSEL INFORMATION

Attorney: Elias, Marc E.
 Pro Hac Vice

 Address: Perkins Coie LLP
 700 Thirteenth St. N.W.
 Suite 800
 Washington, DC 20005

 Receive Mail: Yes
 Representing: DNC Services Corp. / Democratic National Committee, Possible Intervenor
 Pro Se: No
 IFP Status:

Attorney: McDonald, Michael R.
 Ballard Spahr, LLP
 Address: Ballard Spahr Llp
 1735 Market St Fl 51
 Philadelphia, PA 19103
 Phone No: (215) 864-8425
 Receive Mail: Yes
 Receive EMAIL: Yes Email:
 Representing: DNC Services Corp. / Democratic National Committee, Possible Intervenor
 Pro Se: No
 IFP Status:

Attorney: Nkwonta, Uzoma N.
 Pro Hac Vice
 Perkins Coie LLP
 Address: 700 13th Street, N.W.
 Suite 800
 Washington, DC 20005-3960
 Phone No: (202) 654-6200
 Receive Mail: Yes
 Representing: DNC Services Corp. / Democratic National Committee, Possible Intervenor
 Pro Se: No
 IFP Status:

Attorney: White, Matthew Adam
 Ballard Spahr, LLP
 Address: Ballard Spahr Llp
 1735 Market St Fl 51
 Philadelphia, PA 19103-7599
 Phone No: (215) 864-8849
 Receive Mail: Yes
 Receive EMAIL: Yes Email:
 Representing: DNC Services Corp. / Democratic National Committee, Possible Intervenor
 Pro Se: No
 IFP Status:

Supreme Court of Pennsylvania



Appeal Docket Sheet

Docket Number: 68 MAP 2020

Page 10 of 14

August 11, 2022

COUNSEL INFORMATION

Attorney: Williams, Kahlil Charles
 Address: Ballard Spahr, LLP
 Ballard Spahr Llp
 1735 Market St Fl 51
 Philadelphia, PA 19103
 Phone No: (215) 864-8346
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: DNC Services Corp. / Democratic National Committee, Possible Intervenor
 Pro Se: No
 IFP Status:

SUPREME COURT INFORMATION

Appeal From: the Order of the Commonwealth Court dated November 25, 2020 at No. 620 MD 2020.

Appeal Filed Below: 11/25/2020 12:00:00AM

Probable Jurisdiction Noted: Docketed Date: November 25, 2020

Allocatur/Miscellaneous Granted: Allocatur/Miscellaneous Docket No.:

Allocatur/Miscellaneous Grant Order:

FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
11/25/2020	Notice of Appeal	90.25	12/02/2020	2020-SUP-M-001489	90.25

INTERMEDIATE APPELLATE COURT INFORMATION

Court Name: Docket Number:
 Date of Order: Rearg/Recon Disp Date:
 Rearg/Recon Disposition:
 Judge(s):
 Intermediate Appellate Court Action:
 Referring Court:

AGENCY/TRIAL COURT INFORMATION

Court Below: Commonwealth Court of Pennsylvania
 County: Division: Commonwealth Court of Pennsylvania
 Date of Agency/Trial Court Order: November 25, 2020
 Docket Number: 620 MD 2020
 Judge(s): McCullough, Patricia A. OTN:
 Order Type: Order

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content/Description
----------------------	------------	---------------------

Record Remittal:



DISPOSITION INFORMATION

Related Journal No:		Judgment Date:	
Category:	Decided	Disposition Author:	Per Curiam
Disposition:	Appeal Dismissed	Disposition Date:	November 28, 2020
Dispositional Filing:	Order	Author:	Per Curiam
Filed Date:	November 28, 2020		
Dispositional Filing:	Concurring/Dissenting Statement	Author:	Saylor, Thomas G.
Filed Date:	November 28, 2020		
Dispositional Filing:	Concurring Statement	Author:	Wecht, David N.
Filed Date:	November 28, 2020		

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
November 25, 2020	Notice of Appeal	Appellant Appellant Appellant	Boockvar, Kathy Commonwealth of Pennsylvania Wolf, Thomas W.
November 25, 2020	Jurisdictional Statement	Appellant Appellant Appellant	Boockvar, Kathy Commonwealth of Pennsylvania Wolf, Thomas W.
November 25, 2020	Application for the Court to Exercise Extraordinary Jurisdiction	Appellant Appellant Appellant	Boockvar, Kathy Commonwealth of Pennsylvania Wolf, Thomas W.
November 25, 2020	No Answer Letter to Notice of Appeal & Jurisdictional Statement	Appellee	Pennsylvania General Assembly
November 27, 2020	Answer to Notice of Appeal & Jurisdictional Statement	Appellee Appellee Appellee Appellee Appellee Appellee Appellee Appellee	Kelly, Mike Frank, Thomas A. Kierzek, Nancy Kincaid, Michael Logan, Wanda Magee, Derek Parnell, Sean Sauter, Robin



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
November 27, 2020	Answer to Application for the Court to Exercise Extraordinary Jurisdiction	Appellee Appellee Appellee Appellee Appellee Appellee Appellee Appellee	Kelly, Mike Frank, Thomas A. Kierzek, Nancy Kincaid, Michael Logan, Wanda Magee, Derek Parnell, Sean Sauter, Robin
November 27, 2020	No Answer Letter to Application for this Court to Exercise Extraordinary Jurisdiction	Appellee	Pennsylvania General Assembly
November 27, 2020	Notice of Supplemental Authority	Appellant Appellant Appellant	Boockvar, Kathy Commonwealth of Pennsylvania Wolf, Thomas W.
November 27, 2020	Application for Leave to Intervene	Possible Intervenor	DNC Services Corp. / Democratic National Committee
November 27, 2020	Proposed Joinder to the Application for the Court to Exercise Extraordinary Jurisdiction	Possible Intervenor	DNC Services Corp. / Democratic National Committee



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
November 28, 2020	Extraordinary Jurisd. Granted; Prelim. Injunct. Vacated; Pet. for Review Dismissed with Prejudice		Per Curiam

Comments:

AND NOW, this 28th day of November, 2020, pursuant to 42 Pa.C.S. § 726, we GRANT the application for extraordinary jurisdiction filed by the Commonwealth of Pennsylvania, Governor Thomas W. Wolf, and Secretary of the Commonwealth Kathy Boockvar ("Commonwealth"), VACATE the Commonwealth Court's order preliminarily enjoining the Commonwealth from taking any further action regarding the certification of the results of the 2020 General Election, and DISMISS WITH PREJUDICE the petition for review filed by the Honorable Mike Kelly, Sean Parnell, Thomas A. Frank, Nancy Kierzek, Derek Magee, Robin Sauter, and Wanda Logan ("Petitioners"). All other outstanding motions are DISMISSED AS MOOT.

Petitioners filed the petition for review in Commonwealth Court on November 21, 2020, setting forth a facial challenge to those provisions of Act 77 of 2019, establishing universal mail-in voting in the Commonwealth of Pennsylvania. Petitioners sought a declaration that the aforementioned provisions were unconstitutional and void ab initio, and injunctive relief prohibiting the certification of the results of the General Election held on November 3, 2020. As a remedy, Petitioners sought to invalidate the ballots of the millions of Pennsylvania voters who utilized the mail-in voting procedures established by Act 77 and count only those ballots that Petitioners deem to be "legal votes." Alternatively, Petitioners advocated the extraordinary proposition that the court disenfranchise all 6.9 million Pennsylvanians who voted in the General Election and instead "direct[] the General Assembly to choose Pennsylvania's electors." Petition for Review at 24.

Upon consideration of the parties' filings in Commonwealth Court, we hereby dismiss the petition for review with prejudice based upon Petitioners' failure to file their facial constitutional challenge in a timely manner. Petitioners' challenge violates the doctrine of laches given their complete failure to act with due diligence in commencing their facial constitutional challenge, which was ascertainable upon Act 77's enactment. It is well-established that "[l]aches is an equitable doctrine that bars relief when a complaining party is guilty of want of due diligence in failing to promptly institute an action to the prejudice of another." *Stilp v. Hafer*, 718 A.2d 290, 292 (Pa. 1998).

The want of due diligence demonstrated in this matter is unmistakable. Petitioners filed this facial challenge to the mail-in voting statutory provisions more than one year after the enactment of Act 77. At the time this action was filed on November 21, 2020, millions of Pennsylvania voters had already expressed their will in both the June 2020 Primary Election and the November 2020 General Election and the final ballots in the 2020 General Election were being tallied, with the results becoming seemingly apparent. Nevertheless, Petitioners waited to commence this litigation until days before the county boards of election were required to certify the election results to the Secretary of the Commonwealth. Thus, it is beyond cavil that Petitioners failed to act with due diligence in presenting the instant claim. Equally clear is the substantial prejudice arising from Petitioners' failure to institute promptly a facial challenge to the mail-in voting statutory scheme, as such inaction would result in the disenfranchisement of millions of Pennsylvania voters.

Accordingly, we grant the application for extraordinary jurisdiction, vacate the Commonwealth Court's order preliminarily enjoining the Commonwealth from taking any further action regarding the certification of the results of the 2020 General Election, and dismiss with prejudice Petitioners' petition for review. All other outstanding motions are dismissed as moot.

Justice Wecht files a concurring statement.

Chief Justice Saylor files a concurring and dissenting statement in which Justice Mundy joins.

November 28, 2020 Judgment Entered

Office of the Prothonotary



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
December 2, 2020	Emergency Application for Stay	Appellee Appellee Appellee Appellee Appellee Appellee Appellee Appellee	Kelly, Mike Frank, Thomas A. Kierzek, Nancy Kincaid, Michael Logan, Wanda Magee, Derek Parnell, Sean Sauter, Robin
December 2, 2020	Answer to Emergency Application for Stay	Appellant Appellant Appellant	Boockvar, Kathy Commonwealth of Pennsylvania Wolf, Thomas W.
December 3, 2020	Order Denying Emergency Application for Stay		Per Curiam
Comments: AND NOW, this 3rd day of December, 2020, the Emergency Application for Stay of this Court's Order of November 28, 2020 is DENIED.			
December 3, 2020	Order Exited		Office of the Prothonotary
December 11, 2020	Petition for Writ of Certiorari		Clerk of the U.S. Supreme Court
December 23, 2020	Remitted		Office of the Prothonotary
February 22, 2021	Petition for Writ of Certiorari Denied - U.S. Supreme Court Appeal		Clerk of the U.S. Supreme Court

CROSS COURT ACTIONS

Docket Number: 620 MD 2020