

Miscellaneous Docket Sheet

Docket Number: 90 MD 2016

Page 1 of 4

October 17, 2017



CAPTION

In Re: Nomination Petition of James Clay, Jr., Candidate for Representative in the General Assembly from the 179th Legislative District at the April 26, 2016 Democratic Primary Election

Petition of: Jason Dawkins

CASE INFORMATION

Initiating Document: Objection to Nominating Petition
 Case Status: Closed
 Case Processing Status: March 9, 2016 Completed
 Journal Number:
 Case Category: Election Case Type(s): Objection to Nomination Papers

CONSOLIDATED CASES

RELATED CASES

COUNSEL INFORMATION

Petitioner Dawkins, Jason
 Pro Se: No
 IFP Status:
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 Law Firm: Law Offices of Robert T. Vance, Jr.
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 Philadelphia, PA 19110-1016
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Other Kotula, Kathleen
 Pro Se: No
 IFP Status:
 Attorney: Kotula, Kathleen Marie
 Law Firm: PA Department of State
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FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
02/22/2016	Miscellaneous Docket Filing Fee	65.50	02/22/2016	2016-CMW-H-000422	65.50

Miscellaneous Docket Sheet

Docket Number: 90 MD 2016

Page 2 of 4

October 17, 2017



AGENCY/TRIAL COURT INFORMATION

Court Below:
County:
Order Appealed From:
Documents Received: February 22, 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

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. Includes entries for February 22, 2016 and February 24, 2016.

Miscellaneous Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 90 MD 2016

Page 3 of 4

October 17, 2017



DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
	Comment: NOW, February 24, 2016, upon consideration of the petition to set aside nomination petition:			
	1. IT IS HEREBY ORDERED:			
	A. Hearing on the petition to set aside nomination petition is scheduled for March 14, 2016, at 10:00 a.m., in Courtroom Number 1, Widener Building, Philadelphia. 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.			
	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.			
	C. A pre-trial conference may be scheduled at any time after March 7, 2016.			
	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 James Clay, Jr., Candidate, or an adult member of Candidate's family. Objector shall file a proof of service with the Chief Clerk promptly thereafter.			
	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.			
	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.			
	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. 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.			
	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.			
	3. If signature line challenges are at issue, it is FURTHER ORDERED:			
	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.			
	B. Objector 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;			
	(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. 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.			

Miscellaneous Docket Sheet

Docket Number: 90 MD 2016

Page 4 of 4

October 17, 2017



DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
	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 11, 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. 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.			

March 9, 2016	Praecepte for Discontinuance Vance, Robert Thomas, Jr.	Dawkins, Jason	Petitioner	
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March 9, 2016	Discontinued Per Curiam			03/09/2016
	Document Name: Objector having filed a praecipe to discontinue, Comment: the hearing on the petition to set aside nomination petition scheduled for March 14, 2016 at 10:00 a.m., in Courtroom Number 1, The Widener Building, 1339 Chestnut Street, One South Penn Square, Pennsylvania, is cancelled. The Chief Clerk shall mark this matter closed and discontinued.			

DISPOSITION INFORMATION

Final Disposition:	Yes		
Related Journal No:		Judgment Date:	
Category:	Disposed Before Decision	Disposition Author:	Per Curiam
Disposition:	Discontinued	Disposition Date:	March 9, 2016
Disposition Comment:	the hearing on the petition to set aside nomination petition scheduled for March 14, 2016 at 10:00 a.m., in Courtroom Number 1, The Widener Building, 1339 Chestnut Street, One South Penn Square, Pennsylvania, is cancelled. The Chief Clerk shall mark this matter closed and discontinued.		
Dispositional Filing:		Filing Author:	
Filed Date:			