Miscellaneous Docket Sheet **Commonwealth Court of Pennsylvania**

Docket Number: 97 MD 2016

April 28, 2017

CAPTION

In Re: Nomination Petition of Jess Johnson, Candidate for Representative in the General Assembly from the 192nd Legislative District at the April 26, 2016 Democratic Primary Election

Petition of: Morgan Cephas

CASE INFORMATION

Initiating Document:	Objection to Nominating Petition		
Case Status:	Closed		
Case Processing Status:	March 15, 2016	Completed	
Journal Number:			
Case Category:	Election	Case Type(s):	Objection to Nomination Papers

CONSOLIDATED CASES

RELATED CASES

COUNSEL INFORMATION

Petitioner **Cephas, Morgan**

Pro Se: No

IFP Status:

Attorney: Vance, Robert Thomas, Jr.
Law Firm: Law Offices of Robert T. Vance, Jr.
Address: 100 S Broad St Ste 910
Philadelphia, PA 19110-1016
Phone No: (215) 557-9550 Fax No: (215) 278-7992

Other **Kotula, Kathleen**

Pro Se: No

IFP Status:

Attorney: Kotula, Kathleen Marie
Law Firm: PA Department of State
Address: Office of Chief Counsel
301 North Office Building
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Harrisburg, PA 17120
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Miscellaneous Docket Sheet **Commonwealth Court of Pennsylvania**

Docket Number: 97 MD 2016

April 28, 2017

COUNSEL INFORMATION

Respondent **Johnson, Jess**
Pro Se: No
IFP Status:

Attorney: Shaffer, Zachary Cryder
Law Firm: Montoya Shaffer, LLC
Address: 100 S. Broad Street, Suite 1216
Philadelphia, PA 19110-1015
Phone No: (215) 849-2173 Fax No: (215) 564-1687

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-000425	65.50
03/09/2016	Subpoena	4.00	03/09/2016	2016-CMW-H-000604	4.00

AGENCY/TRIAL COURT INFORMATION

Court Below:
County: Division:
Order Appealed From: Judicial District:
Documents Received: February 22, 2016 Notice of Appeal Filed:
Order Type:
OTN(s):
Lower Ct Docket No(s):
Lower Ct Judge(s):

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description

Date of Remand of Record:

BRIEFING SCHEDULE

None None

DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
February 22, 2016	Objection to Nominating Petition Cephas, Morgan		Petitioner	
February 24, 2016	Order Filed Per Curiam Document Name: Scheduling and Case Management Order			02/24/2016

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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 15, 2016, at 9:30 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 Jess Johnson, 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.

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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 2, 2016	Entry of Appearance			
	Shaffer, Zachary Cryder	Johnson, Jess	Respondent	
March 11, 2016	Filed - Other			
	Shaffer, Zachary Cryder	Johnson, Jess	Respondent	
Document Name:	Potential Witness List for Respondent			
March 11, 2016	Stipulation Filed			
	Vance, Robert Thomas, Jr.	Cephas, Morgan	Petitioner	
Document Name:	Pre-Hearing Stipulation			
March 11, 2016	Stipulation Filed			
	Vance, Robert Thomas, Jr.	Cephas, Morgan	Petitioner	
Document Name:	CORRECTED			
March 15, 2016	Certificate of Service Filed			
	Vance, Robert Thomas, Jr.	Cephas, Morgan	Petitioner	
Document Name:	Service of Objection to Nom. Pet.			
March 15, 2016	Certificate of Service Filed			
	Vance, Robert Thomas, Jr.	Cephas, Morgan	Petitioner	
Document Name:	Service of Case Management Order, Spreadsheet Key and CD			
March 15, 2016	Memorandum/Order			03/15/2016
	Colins, James G.			
Document Name:	AND NOW, this 15th day of March, 2016, having found that Candidate has at least 303			
Comment:	valid signatures on her nomination petitions, it is hereby ORDERED that the Petition to Set Aside is DENIED. The Secretary of the Commonwealth is directed to certify Jess Johnson as a candidate for the Democratic Party Nomination for Representative in the General Assembly for the 192nd Legislative 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.			
March 18, 2016	Post Trial Motions Filed			
	Shaffer, Zachary Cryder	Johnson, Jess	Respondent	
Document Name:	Petition for Costs.			
March 24, 2016	Notice of Appeal to PA Supreme Court Filed			
	Vance, Robert Thomas, Jr.	Cephas, Morgan	Petitioner	
Document Name:	12 EAP 2016			
Comment:	RECORD FORWARDED TO THE PA SUPREME COURT, EASTERN DISTRICT, ON 3/28/2016.			
March 28, 2016	Certificate of Service Filed			
	Cephas, Morgan		Petitioner	
Document Name:	List of documents sent to counsel of record & unrepresented parties pursuant to Pa. R.A.P. 1931(d).			

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
April 8, 2016	Commonwealth Court Decision Affirmed Supreme Court of Pennsylvania			
Document Name:	12 EAP 2016			
April 15, 2016	Memorandum Opinion Filed Colins, James G.			04/15/2016
Document Name:	Memorandum Opinion (5 pages)			
Comment:	The application for costs and attorney's fees filed by Candidate Jess Johnson is denied.			

DISPOSITION INFORMATION

Final Disposition: Yes

Related Journal No: Judgment Date:

Category: Disposed Before Decision Disposition Author: Colins, James G.

Disposition: Memorandum/Order Disposition Date: March 15, 2016

Disposition Comment: valid signatures on her nomination petitions, it is hereby ORDERED that the Petition to Set Aside is DENIED. The Secretary of the Commonwealth is directed to certify Jess Johnson as a candidate for the Democratic Party Nomination for Representative in the General Assembly for the 192nd Legislative 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.

Dispositional Filing: Filing Author:

Filed Date:

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