

Miscellaneous Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 97 MD 2016**Page 1 of 5****June 23, 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 Cephias, 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
401 North Street
Harrisburg, PA 17120

Phone No: (717) 783-0736 Fax No: (717) 214-9899

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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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| | <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 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.</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 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 Colins, James G. | | | 03/15/2016 |
| | 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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| 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. Document Name: Memorandum Opinion (5 pages) Comment: The application for costs and attorney's fees filed by Candidate Jess Johnson is denied. | | | 04/15/2016 |

DISPOSITION INFORMATION

| | | | |
|-----------------------|---|---------------------|------------------|
| Final Disposition: | Yes | Judgment Date: | |
| Related Journal No: | | Disposition Author: | Colins, James G. |
| Category: | Disposed Before Decision | Disposition Date: | March 15, 2016 |
| Disposition: | Memorandum/Order | | |
| 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: | | | |