

**Appeal Docket Sheet** 

Docket Number: 28 WAP 2024

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October 28, 2025

#### **CAPTION**

Center for Coalfield Justice, Washington Branch NAACP, Bruce Jacobs, Jeffrey Marks, June Devaughn Hython, Erika Worobec, Sandra Macioce, Kenneth Elliott, and David Dean

٧.

Washington County Board of Elections, Republican National Committee and Republican Party of Pennsylvania

Appeal of: Republican National Committee and Republican Party of Pennsylvania

**CASE INFORMATION** 

Initiating Document: Order Granting Petition for Allowance of Appeal

Case Status: Closed

Journal Number: J-95-2024 October 11, 2024

Case Category: Election Case Type(s): Election

CONSOLIDATED CASES RELATED CASES

**COUNSEL INFORMATION** 

Attorney: Gallagher, Kathleen A.

The Gallagher Firm, LLC
The Gallagher Firm LLC

436 Seventh Ave 31st FI Pittsburgh, PA 15219

Phone No: (412) 308-5512

Receive Mail: Yes

Receive EMail: Yes Email: Representing: Republican National Committee, Appellant

Pro Se: No

IFP Status:

Address:

Representing: Republican Party of Pennsylvania, Appellant

Pro Se: No

IFP Status:

Attorney: Breth, Thomas E.

Dillon, McCandless, King, Coulter & Graham, LLP

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128 W Cunningham St Butler, PA 16001-5742

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Pro Se: No

IFP Status:

Representing: Republican Party of Pennsylvania, Appellant

Pro Se: No



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## **COUNSEL INFORMATION**

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Pro Hac Vice

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51 Lousiana Avenue, N.W. Washington, DC 20001

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Representing: Republican National Committee, Appellant

Pro Se: No

IFP Status:

Representing: Republican Party of Pennsylvania, Appellant

Pro Se: No

IFP Status:

Attorney: Gore, John M.

Pro Hac Vice Jones Day

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IFP Status:

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Pro Se: No

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Pro Se: No

IFP Status:

Representing: Republican Party of Pennsylvania, Appellant

Pro Se: No



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**COUNSEL INFORMATION** 

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Pro Se: No

IFP Status:

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Pro Se: No

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Pro Se: No



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## **COUNSEL INFORMATION**

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Merken, Christopher James Rogers

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Pro Se: No



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## **COUNSEL INFORMATION**

Attorney: Schneider, Marian Karen

ACLU of Pennsylvania, Pittsburgh

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#### **COUNSEL INFORMATION**

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IFP Status:

Representing: Pennsylvania Democratic Party, Amicus Curiae

Pro Se: No

IFP Status:

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IFP Status:

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Pro Se: No

IFP Status:

Representing: Schmidt, Secretary Al, Amicus Curiae

Pro Se: No



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**COUNSEL INFORMATION** 

Attorney: Wallen, Zachary Michael

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IFP Status:

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Pro Se: No



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#### **COUNSEL INFORMATION**

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Representing: AFT Pennsylvania, et al, Amicus Curiae

Pro Se: No

IFP Status:

#### SUPREME COURT INFORMATION

the Order of the Commonwealth Court at No. 1172 CD 2024, entered on Appeal From:

September 24, 2024, affirming Order of the Washington County Court of Common Pleas at No. 2024-3953, entered on August 27, 2024.

Probable Jurisdiction Noted: Docketed Date: October 5, 2024 Allocatur/Miscellaneous Granted: October 5, 2024 Allocatur/Miscellaneous Docket No.: 259 WAL 2024

Allocatur/Miscellaneous Grant Order: AND NOW, this 5th day of October, 2024, the Petition for Allowance of Appeal is GRANTED. The issues, rephrased for clarity and brevity, are:

- (1) Whether the Commonwealth Court erred in holding the mail-in ballot return policy implemented by the Washington County Board of Elections resulted in violations of electors' procedural due process rights.
- (2) Whether the Commonwealth Court erred in affirming the trial court's injunction and order directing the board to (1) "notify any elector whose mailin packet is segregated for a disqualifying error, so the voter has an opportunity to challenge (not cure) the alleged defects"; (2) "input the accurate status of the mail-in packet in the SURE system and provide the status to the elector if requested"; and (3) "properly document in the poll books that the elector has not 'voted' when an elector's mail-in packet is segregated for a disqualifying defect in accordance with 25 P.S. §3150.16 (which will allow the elector the opportunity to cast a provisional ballot) and choose the most appropriate selection in the SURE system to reflect as such." Opinion and Order, Ctr. for Coalfield Justice v. Washington Cty. Bd. of Elections, No. 2024-3953, at 4 (C.P. Washington, Aug. 23, 2024).

Petitioners' brief shall be filed on or before October 9, 2024 at 12:00 p.m. Respondents and any amici shall file their briefs on or before October 11, 2024 at 12:00 p.m. No reply brief will be permitted. This matter will be submitted on the briefs without oral argument.

FEE INFORMATION				
Fee Dt	Fee Name	Fee Amt Receipt Dt Receipt No	Receipt Amt	



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#### INTERMEDIATE APPELLATE COURT INFORMATION

Court Name: Commonwealth Docket Number: 1172 CD 2024

Date of Order: September 24, 2024 Rearg/Recon Disp Date: Rearg/Recon Disposition:

Judge(s): Cohn Jubelirer, Renee

Wojcik, Michael H. Dumas, Lori A.

Intermediate Appellate Court Action: Affirmed

Referring Court:

**AGENCY/TRIAL COURT INFORMATION** 

Court Below: Washington County Court of Common Pleas

County: Washington Division: Washington County Civil Division

Date of Agency/Trial Court Order: August 23, 2024

Docket Number: 2024-3953

Judge(s): Neuman, Brandon P. OTN:

Order Type: Order

**ORIGINAL RECORD CONTENT** 

Original Record Item Filed Date Content/Description

Original Record October 07, 2024

Record Remittal: October 16, 2025

**BRIEFING SCHEDULE** 

Amicus Curiae Appellee

AFT Pennsylvania, et al Center for Coalfield Justice, et al.

Brief Brie

Due: Filed: October 11, 2024 Due: October 11, 2024 Filed: October 11, 2024

Bryan Cutler, et al Washington County Board of Elections

Brief Brief

Due: Filed: October 10, 2024 Due: October 11, 2024 Filed:

County Commissioners, et al

**Brief** 

Due: Filed: October 11, 2024

**Democratic National Committee** 

**Brief** 

Due: October 11, 2024 Filed: October 11, 2024

Pennsylvania Democratic Party

**Brief** 

Due: October 11, 2024 Filed: October 11, 2024

Pennsylvania Department of State

**Brief** 



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#### **BRIEFING SCHEDULE**

**Amicus Curiae** 

**Pennsylvania Department of State** 

**Brief** 

Due: October 11, 2024 Filed: October 11, 2024

**Philadelphia County Board of Elections** 

**Brief** 

Due: Filed: October 11, 2024

Schmidt, Secretary Al

**Brief** 

Due: October 11, 2024 Filed: October 11, 2024

**Appellant** 

**Republican National Committee** 

**Brief** 

Due: October 9, 2024 Filed: October 9, 2024

Reproduced Record

Due: October 9, 2024 Filed:

Republican Party of Pennsylvania

**Brief** 

Due: October 9, 2024 Filed: October 9, 2024

Reproduced Record

Due: October 9, 2024 Filed:

**SESSION INFORMATION** 

Journal Number: J-95-2024 Listed/Submitted Date: October 11, 2024

Consideration Type: Submit on Briefs Supreme

**DISPOSITION INFORMATION** 

Related Journal No: Judgment Date: September 26, 2025

Category: Decided Disposition Author: Dougherty, Kevin M.

Disposition: Vacated/Affirmed Disposition Date: September 26, 2025

Dispositional Filing: Majority Opinion Author: Dougherty, Kevin M.

Filed Date: September 26, 2025

Justice:Todd, DebraVote:JoinsJustice:Donohue, ChristineVote:JoinsJustice:McCaffery, Daniel D.Vote:Joins



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DISPOSITION INFORMATION			
Dispositional Filing:	Dissenting Opinion	Author:	Mundy, Sallie U.
Filed Date:	September 26, 2025		
Dispositional Filing:	Dissenting Opinion	Author:	Brobson, P. Kevin
Filed Date:	September 26, 2025		
Justice:	Wecht, David N.	Vote:	Joins
Justice:	Mundy, Sallie U.	Vote:	Joins

DOCKET ENTRY				
Filed Date	Docket Entry / Representing	Participant Type	Filed By	
October 5, 2024	Allocatur Granted			
			Per Curiam	

#### Comments:

AND NOW, this 5th day of October, 2024, the Petition for Allowance of Appeal is GRANTED. The issues, rephrased for clarity and brevity, are:

- (1) Whether the Commonwealth Court erred in holding the mail-in ballot return policy implemented by the Washington County Board of Elections resulted in violations of electors' procedural due process rights.
- (2) Whether the Commonwealth Court erred in affirming the trial court's injunction and order directing the board to (1) "notify any elector whose mailin packet is segregated for a disqualifying error, so the voter has an opportunity to challenge (not cure) the alleged defects"; (2) "input the accurate status of the mail-in packet in the SURE system and provide the status to the elector if requested"; and (3) "properly document in the poll books that the elector has not 'voted' when an elector's mail-in packet is segregated for a disqualifying defect in accordance with 25 P.S. §3150.16 (which will allow the elector the opportunity to cast a provisional ballot) and choose the most appropriate selection in the SURE system to reflect as such." Opinion and Order, Ctr. for Coalfield Justice v. Washington Cty. Bd. of Elections, No. 2024-3953, at 4 (C.P. Washington, Aug. 23, 2024).

Petitioners' brief shall be filed on or before October 9, 2024 at 12:00 p.m. Respondents and any amici shall file their briefs on or before October 11, 2024 at 12:00 p.m. No reply brief will be permitted. This matter will be submitted on the briefs without oral argument.

October 7, 2024	Commonwealth Court Record Received			
			Commonwealth Court of	
			Pennsylvania	
October 9, 2024	Appellant's Brief			
		Appellant	Republican Party of	
			Pennsylvania	
		Appellant	Republican National Committee	
October 10, 2024	Amicus Brief of Bryan Cutler, Kim Ward & Joe Pittman In Support of Appellants			
		Amicus Curiae	Bryan Cutler, et al	
October 11, 2024	Amicus Brief of County Commissioners In Support of Appellees			
		Amicus Curiae	County Commissioners, et al	



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		October	20, 2025
	DO	OCKET ENTRY	
Filed Date	Docket Entry / Representing	Participant Type	Filed By
October 11, 2024	Amicus Brief fo Sec. Al Schmidt	& PA Department of State	
		Amicus Curiae	Schmidt, Secretary Al
		Amicus Curiae	Pennsylvania Department of
			State
October 11, 2024	Amicus Brief of the DNC & The P	A Democartic Party In Supp	ort of Appellees
		Amicus Curiae	Pennsylvania Democratic Party
		Amicus Curiae	Democratic National Committee
October 11, 2024	Appellee's Brief		
		Appellee	Center for Coalfield Justice, et al.
October 11, 2024	Amicus Brief of AFT PA & The PA		ans in Support of Appellees
		Amicus Curiae	AFT Pennsylvania, et al
October 11, 2024	Amicus Brief of Philadelphia Cou	<del>-</del>	
		Amicus Curiae	Philadelphia County Board of
			Elections
October 18, 2024	Application to be Admitted Pro H		
	AFT Pennsylvania, et al	Amicus Curiae	Alerasool, Omeed
October 18, 2024	Application to be Admitted Pro H	·	
	AFT Pennsylvania, et al	Amicus Curiae	Alerasool, Omeed
October 18, 2024	Application to be Admitted Pro H		
	AFT Pennsylvania, et al	Amicus Curiae	Alerasool, Omeed
October 21, 2024	Order Granting Application to be	Admitted Pro Hac Vice(Baxe	
_			Gorman, Kaitlin A.
Comments:	ot day of Ootahan 2024 the amplia	-tion for the oducionion was	. has vise of Attornay, lustin Devember
is hereby GRANTED.		ation for the admission pro	hac vice of Attorney Justin Baxenber
October 21, 2024	Order Granting Application to be	Admitted Pro Hac Vice(Rich	ard Medina)
,	·	·	Gorman, Kaitlin A.
Comments:			
AND NOW, this 21s is hereby GRANTED.		ation for the admission pro	hac vice of Attorney Richard A. Medin
October 21, 2024	Order Granting Application to be	Admitted Pro Hac Vice	
			Gorman, Kaitlin A.
AND NOW, this 21s	-	tion for the admission pro	hac vice of Attorney Uzoma N. Nkwont
Comments: AND NOW, this 21s is hereby GRANTED.  October 21, 2024	-	tion for the admission pro	hac vice of Attorney Uzoma N. Nkwont
AND NOW, this 21s is hereby GRANTED.		tion for the admission pro	hac vice of Attorney Uzoma N. Nkwont Office of the Prothonotary
AND NOW, this 21s is hereby GRANTED.	Order Exited  Application to be Admitted Pro H	ac Vice(John M. Gore)	Office of the Prothonotary
AND NOW, this 21s is hereby GRANTED.  October 21, 2024	Order Exited		·



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	DOC	KET ENTRY		
Filed Date	Docket Entry / Representing	Participant Type	Filed By	
October 22, 2024	Order Granting Application to be Admitted Pro Hac Vice(John M. Gore)			
			Ceraso, Betsy	
Comments: AND NOW, this 22nd GRANTED.	day of October, 2024, the applica	ation for the admissio	n pro hac vice of John M. Gore, Esq. is	
October 22, 2024	Order Exited			
			Office of the Prothonotary	
October 25, 2024	Application to be Admitted Pro Hac Vice(E. Stewart Crosland)			
	Republican Party of Pennsylvania	Appellant	Gallagher, Kathleen A.	
	Republican National Committee	Appellant	Gallagher, Kathleen A.	
October 25, 2024	Order Granting Application to be Admitted Pro Hac Vice(E. Stewart Crosland)			
			Ceraso, Betsy	
October 25, 2024	Order Exited			
			Office of the Prothonotary	
September 26, 2025	Affirmed/Vacated			
			Dougherty, Kevin M.	

#### Comments:

Thus, we affirm the lower courts' decisions, except to the extent they suggest electors must be allowed to challenge canvassing and computation decisions pursuant to 25 P.S. §3157 before the canvass occurs. For that reason, and because an accurate SURE code entry will effectuate notice, we vacate the portion of the trial court's order requiring the Board "to notify any elector whose mail-in packet is segregated for a disqualifying error, so the voter has an opportunity to challenge (not cure) the alleged defects." Trial Court Op. and Order, 8/23/24, at 4. The injunction and order otherwise remain intact.

Jurisdiction relinquished.

Chief Justice Todd and Justices Donohue and McCaffery join the opinion.

Justice Mundy files a dissenting opinion.

Justice Brobson files a dissenting opinion in which Justices Wecht and Mundy join.

September 26, 2025	Judgment Entered	
Coptombol 20, 2020		Office of the Prothonotary
October 16, 2025	Remitted	
		Office of the Prothonotary
October 28, 2025	Acknowledgement of Record Remittal	
		Washington County Civil Division

## **CROSS COURT ACTIONS**

Docket Number: 1172 CD 2024
Docket Number: 259 WAL 2024