

Miscellaneous Docket Sheet

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CAPTION

County of Fulton, Fulton County Board of Elections, Stuart L. Ulsh, in his official capacity as County Commissioner of Fulton County and in his capacity as a resident, taxpayer and elector in Fulton County, and Randy H. Bunch, in his official capacity as County Commissioner of Fulton County and in his capacity as a resident, taxpayer and elector of Fulton County, Petitioners

v.

Secretary of the Commonwealth, Respondent

CASE INFORMATION

Initiating Document: Petition for Review
Case Status: Active
Case Processing Status: April 8, 2024 Awaiting Consideration
Journal Number: 80-05-2024
Case Category: Miscellaneous Case Type(s): Equity

CONSOLIDATED CASES

RELATED CASES

COUNSEL INFORMATION

Petitioner Ulsh, Stuart L.
Pro Se: No
IFP Status:
Attorney: Stein, James M.
Law Firm: Dick, Stein, Schemel, Wine & Frey, LLP
Address: 10440 Buchanan Trl E Waynesboro, PA 17268-1517
Phone No: (717) 762-1160 Fax No:
Attorney: Carroll, Thomas J.
Address: 224 King St Pottstown, PA 19464
Phone No: (610) 419-6981 Fax No:
Attorney: Newman, Russell Alan
Law Firm: The Newman Law Firm
Address: 6688 Nolensville Road Suite 108-22 Brentwood, TN 37027

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COUNSEL INFORMATION

Petitioner **Fulton County Board of Elections**

Pro Se: No

IFP Status:

Attorney: Stein, James M.
 Law Firm: Dick, Stein, Schemel, Wine & Frey, LLP
 Address: 10440 Buchanan Trl E
 Waynesboro, PA 17268-1517
 Phone No: (717) 762-1160 Fax No:

Attorney: Carroll, Thomas J.
 Address: 224 King St
 Pottstown, PA 19464
 Phone No: (610) 419-6981 Fax No:

Attorney: Newman, Russell Alan
 Law Firm: The Newman Law Firm
 Address: 6688 Nolensville Road
 Suite 108-22
 Brentwood, TN 37027
 Phone No: (615) 554-1510 Fax No:

Petitioner **County of Fulton**

Pro Se: No

IFP Status:

Attorney: Stein, James M.
 Law Firm: Dick, Stein, Schemel, Wine & Frey, LLP
 Address: 10440 Buchanan Trl E
 Waynesboro, PA 17268-1517
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Attorney: Carroll, Thomas J.
 Address: 224 King St
 Pottstown, PA 19464
 Phone No: (610) 419-6981 Fax No:

Attorney: Schnee, J Chadwick
 Law Firm: Schnee Legal Services, LLC
 Address: Schnee Legal Services
 74 E Main St # 648
 Lititz, PA 17543
 Phone No: (717) 400-5955 Fax No:

Attorney: Newman, Russell Alan
 Law Firm: The Newman Law Firm
 Address: 6688 Nolensville Road
 Suite 108-22
 Brentwood, TN 37027

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COUNSEL INFORMATION

Petitioner **Bunch, Randy H.**

Pro Se: No

IFP Status:

Attorney: Stein, James M.
 Law Firm: Dick, Stein, Schemel, Wine & Frey, LLP
 Address: 10440 Buchanan Trl E
 Waynesboro, PA 17268-1517
 Phone No: (717) 762-1160 Fax No:

Attorney: Carroll, Thomas J.
 Address: 224 King St
 Pottstown, PA 19464
 Phone No: (610) 419-6981 Fax No:

Attorney: Newman, Russell Alan
 Law Firm: The Newman Law Firm
 Address: 6688 Nolensville Road
 Suite 108-22
 Brentwood, TN 37027

Intervenor **Dominion Voting Systems, Inc.**

Pro Se: No

IFP Status:

Attorney: Gallagher, Shawn N.
 Law Firm: Buchanan, Ingersoll & Rooney, P.C.
 Address: Buchanan Ingersoll & Rooney Pc
 501 Grant St Ste 200
 Pittsburgh, PA 15219-1410
 Phone No: (412) 562-8362 Fax No:

Attorney: Fitzgerald, Robert J.
 Law Firm: Buchanan, Ingersoll & Rooney, P.C.
 Address: Buchanan Ingersoll Rooney
 50 S 16TH St Ste 3200
 Philadelphia, PA 19102-2555
 Phone No: (215) 665-3866 Fax No:

Attorney: Goldman, Kathleen Jones
 Law Firm: Buchanan, Ingersoll & Rooney, P.C.
 Address: Buchanan Ingersoll & Rooney Pc
 501 Grant St Ste 200
 Pittsburgh, PA 15219
 Phone No: (412) 562-1401 Fax No:

Attorney: Lucas, Brendan Patrick
 Law Firm: Buchanan, Ingersoll & Rooney, P.C.
 Address: Buchanan Ingersoll & Rooney Pc
 501 Grant St Ste 200
 Pittsburgh, PA 15219
 Phone No: (412) 562-8859 Fax No:

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COUNSEL INFORMATION

Other **Pro V&V, Inc.**

Pro Se: No

IFP Status:

Attorney: Woods, Corrie Allen
Law Firm: Woods Law Offices PLLC
Address: 200 Commerce Dr Ste 210
 Moon Township, PA 15108
Phone No: (412) 329-7751

Fax No:

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COUNSEL INFORMATION

Respondent	Secretary of the Commonwealth
Pro Se:	No
IFP Status:	
Attorney:	Wiygul, Robert Andrew
Law Firm:	Hangley, Aronchick, Segal, Pudlin & Schiller
Address:	Hangley Aronchick Et Al 18TH Cherry Sts Fl 27 Philadelphia, PA 19103
Phone No:	(215) 496-7042
Fax No:	
Attorney:	Tucker, Joe H., Jr.
Law Firm:	Tucker Law Group, LLC
Address:	Tucker Law Group LLC 1801 Market Ste Ste 2500 Philadelphia, PA 19103
Phone No:	(215) 875-0609
Fax No:	
Attorney:	Rickabaugh, Jessica Ann
Law Firm:	Tucker Law Group, LLC
Address:	Tucker Law Group 1801 Market St Ste 2500 Philadelphia, PA 19103
Phone No:	(215) 875-0609
Fax No:	
Attorney:	Weinstein, Hillary Berliner
Law Firm:	Tucker Law Group, LLC
Address:	Tucker Law Group LLC 1801 Market St Ste 2500 Philadelphia, PA 19103
Phone No:	(215) 875-0609
Fax No:	
Attorney:	Fischer, Michael John
Law Firm:	Pennsylvania Office of Attorney General, 16th Floor , Strawberry Square, Harrisburg, PA
Address:	Ofc of Attorney General 1600 Arch St Ste 300 Philadelphia, PA 19103
Phone No:	(215) 560-2171
Fax No:	
Attorney:	Boyer, Jacob Biehl
Law Firm:	Pennsylvania Office of Attorney General, 16th Floor , Strawberry Square, Harrisburg, PA
Address:	Pa Office Of Attorney General 1600 Arch St Ste 300 Philadelphia, PA 19103
Phone No:	(267) 768-3968
Fax No:	
Attorney:	Kagedan, Eitan Gavriel
Law Firm:	Hangley Aronchick Segal Pudlin & Schiller
Address:	Hangley Arochick Segal 1 Logan Sq Fl 27 Philadelphia, PA 19103-6933
Phone No:	(201) 956-2100
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FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
08/18/2021	Miscellaneous Docket Filing Fee	70.25	08/18/2021	2021-CMW-H-001463	70.25
01/06/2022	Copy Work (Per Page)	133.50	01/06/2022	2022-CMW-H-000031	133.50
01/14/2022	Copy Work (Per Page)	3.50	01/14/2022	2022-CMW-H-000078	3.50
10/27/2022	Subpoena	10.00	10/27/2022	2022-CMW-H-002031	10.00
08/22/2023	Subpoena	10.00	08/22/2023	2023-CMW-H-001421	10.00
08/25/2023	Subpoena	20.00	08/25/2023	2023-CMW-H-001446	20.00
04/17/2024	Petition for Reconsideration - Original Jurisdiction	15.00	05/28/2024	2024-CMW-H-000862	15.00

AGENCY/TRIAL COURT INFORMATION

Order Appealed From: Notice of Appeal Filed:
 Order Type:
 Documents Received: August 18, 2021

Court Below:
 County: Division:
 Judge: OTN:
 Docket Number: Judicial District:

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description
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Date of Remand of Record:

BRIEFING SCHEDULE

None

None

DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
August 18, 2021	Petition for Review Filed County of Fulton Fulton County Board of Elections Ulsh, Stuart L. Bunch, Randy H.		Petitioner Petitioner Petitioner Petitioner	
August 18, 2021	Notice Exited Commonwealth Court Filing Office			08/18/2021
August 20, 2021	Certificate of Service Filed King, Thomas W., III King, Thomas W., III King, Thomas W., III King, Thomas W., III	County of Fulton Fulton County Board of Elections Ulsh, Stuart L. Bunch, Randy H.	Petitioner Petitioner Petitioner Petitioner	
	Document Name: Affidavit of Service			
September 9, 2021	Entry of Appearance Hangley, Michele D.	Secretary of the Commonwealth	Respondent	
	Document Name: for Respondent.			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
September 9, 2021	Entry of Appearance Wygul, Robert Andrew Document Name: for Respondent.	Secretary of the Commonwealth	Respondent	
September 9, 2021	Entry of Appearance Hill, John Brent Document Name: for Respondent.	Secretary of the Commonwealth	Respondent	
September 14, 2021	Entry of Appearance Thomson, Aimee Diane Document Name: on behalf of Respondent, Secretary of the Commonwealth.	Secretary of the Commonwealth	Respondent	
September 17, 2021	Filed - Other King, Thomas W., III King, Thomas W., III King, Thomas W., III King, Thomas W., III Document Name: Respondent's Consent to File Amended PFR	County of Fulton Fulton County Board of Elections Ulsh, Stuart L. Bunch, Randy H.	Petitioner Petitioner Petitioner Petitioner	
September 17, 2021	Amended - Petition for Review King, Thomas W., III King, Thomas W., III King, Thomas W., III King, Thomas W., III	County of Fulton Fulton County Board of Elections Ulsh, Stuart L. Bunch, Randy H.	Petitioner Petitioner Petitioner Petitioner	
October 18, 2021	Preliminary Objections Hangley, Michele D. Document Name: Respondent's Preliminary Objections to Petitioner's Amended Petition for Review.	Secretary of the Commonwealth	Respondent	
October 21, 2021	Entry of Appearance Shuber, Jordan Peter Shuber, Jordan Peter Shuber, Jordan Peter Shuber, Jordan Peter	County of Fulton Fulton County Board of Elections Ulsh, Stuart L. Bunch, Randy H.	Petitioner Petitioner Petitioner Petitioner	
October 26, 2021	Entry of Appearance Mavroudis, Dimitrios	Secretary of the Commonwealth	Respondent	
October 26, 2021	Entry of Appearance Tucker, Joe H., Jr.	Secretary of the Commonwealth	Respondent	
October 26, 2021	Entry of Appearance Rickabaugh, Jessica Ann	Secretary of the Commonwealth	Respondent	
November 4, 2021	Entry of Appearance Moniak, Stephen	Secretary of the Commonwealth	Respondent	
November 16, 2021	Answer to Preliminary Objections King, Thomas W., III King, Thomas W., III King, Thomas W., III King, Thomas W., III	County of Fulton Fulton County Board of Elections Ulsh, Stuart L. Bunch, Randy H.	Petitioner Petitioner Petitioner Petitioner	

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
November 18, 2021	Order Filed Per Curiam			11/19/2021
	Document Name: Respondent's brief in support of its Preliminary Objections are due by December 20, 2021			
	Comment: Respondent's brief in support of its Preliminary Objections (4 copies) shall be filed and served no later than December 20, 2021. Petitioners' brief in opposition to Respondent's Preliminary Objections (4 copies) shall be filed and served within 30 days after service of Respondent's brief. Any reply brief (4 copies) shall be filed and served in accordance with Pa.R.A.P. 2185. The Prothonotary shall list Respondent's Preliminary Objections to Petitioners' Petition for Review for oral argument on the next available argument list.			
December 17, 2021	Application for Emergency Relief Hangley, Michele D.	Secretary of the Commonwealth	Respondent	
	Document Name: Respondent's Emergency App for an Order Prohibiting Spoliation of Key Evidence Scheduled to Occur			
	Comment: December 22, 2021			
December 18, 2021	Order Filed Per Curiam			12/18/2021
	Document Name: Order directing answer and scheduling argument on Application for Emergency Relief			
	Comment: NOW, December 17, 2021, upon consideration of Respondent's Emergency Application for an Order Prohibiting Spoliation of Key Evidence (Application), Petitioners shall file and serve an Answer thereto no later than December 20, 2021 at 4:00 p.m. Argument on the Application is hereby scheduled for December 21, 2021 at 3:00 p.m. The argument shall be conducted by telephone conference call with counsel of record, and shall be heard by a designated judge of the Commonwealth Court sitting in Harrisburg. The Court will contact counsel of record to confirm the call and to provide the call-in information.			
December 20, 2021	Answer to Application for Emergency Relief King, Thomas W., III	County of Fulton	Petitioner	
	King, Thomas W., III	Ulsh, Stuart L.	Petitioner	
	King, Thomas W., III	Bunch, Randy H.	Petitioner	
	King, Thomas W., III	Fulton County Board of Elections	Petitioner	
	Document Name: PACFILED - Pet.'s Answer to Resp.'s Emergency App. for Order Prohibiting Spoliation of Key Evidence			
December 20, 2021	Respondent's Brief Filed Hangley, Michele D.	Secretary of the Commonwealth	Respondent	
	Secretary of the Commonwealth		Respondent	
	Document Name: In Support of POs			
December 21, 2021	Order Granting Application for Emergency Relief Leavitt, Mary Hannah			12/21/2021
	Document Name: Inspection of Voting Machines Postponed to Jan. 10, 2022			
	Comment: NOW, December 21, 2021, following oral argument on the Secretary of the Commonwealth's Emergency Application for an Order Prohibiting Spoliation of Key Evidence, and upon agreement of the parties, the inspection of Fulton County's voting machines by Envoy Sage, LLC, presently scheduled for December 22, 2021, shall be postponed to January 10, 2022, by which time the parties will have negotiated protocols for said inspection.			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
December 30, 2021	Praecipe for Withdrawal of Appearance Hangley, Michele D.	Secretary of the Commonwealth	Respondent	
	Document Name: Attorney Hangley for Secretary of the Commonwealth			
January 3, 2022	Application for Intervention (Pa.R.A.P. 1531b) Gallagher, Shawn N.	Dominion Voting Systems, Inc.	Intervenor	
	Fitzgerald, Robert J.	Dominion Voting Systems, Inc.	Intervenor	
	Lucas, Brendan Patrick	Dominion Voting Systems, Inc.	Intervenor	
	Document Name: Emergency App. of Dominion Voting Systems, Inc. for Leave to Intervene for the Limited Purpose of Comment: Seeking a Protective Order.			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
January 4, 2022	Hearing Scheduled Per Curiam			01/04/2022
	Document Name: On App for Intervention Jan. 7, 2022 / Answer and All Other Filings Due Jan. 6, 2022 by 1:00 pm			
	Comment: NOW, January 4, 2022, upon consideration of the Emergency Application of Dominion Voting Systems, Inc. (Proposed Intervenor) for Leave to Intervene for the Limited Purpose of Seeking a Protective Order, Petitioners and Respondent shall file and serve an answer thereto no later than 1:00 p.m. on January 6, 2022.			
	The Court hereby further ORDERS as follows:			
	1. Hearing on the Emergency Application for Leave to Intervene is hereby SCHEDULED for Friday, January 7, 2022, at 10:00 a.m., by WebEx video conferencing. The Court will host this hearing via WebEx.			
	2. Counsel of record, Petitioners, Respondent and Proposed Intervenor shall participate in the hearing via WebEx. The parties and Proposed Intervenor shall provide the Court with their name, email address and telephone numbers within 24 hours of receiving this Order. The contact email address for the Court is: CommCourtRemote@pacourts.us. The Court will provide counsel with the information for connecting to the hearing. To facilitate participation in the hearing, various WebEx applications are available for download at pacourts.webex.com. Please see the Protocol for WebEx Video Hearings, attached to this order. The parties and all participants are directed to connect to the hearing 15 minutes before the starting time. In the event of technical difficulties, please contact the Court's IT staff at 717-255-1626. All other inquiries should be directed to the Prothonotary's Office.			
	3. Proposed Intervenor is directed to secure the services of a court stenographer for the WebEx Hearing. No later than 12:00 p.m., Thursday, January 6, 2022, Proposed Intervenor shall email the name, email address and mobile telephone number of the court stenographer to the Court at CommCourtRemote@pacourts.us.			
	4. Proposed Intervenor shall file a list of all witnesses to be called at the hearing with a short offer of proof for each witness, the curriculum vitae and expert report for any expert witness, and a list of exhibits.			
	5. Petitioners and Respondent shall file a list of all witnesses to be called at the hearing with a short offer of proof for each witness, the curriculum vitae and expert report for any expert witness, and a list of exhibits.			
	6. The parties and Proposed Intervenor shall also provide via email to the Court at CommCourtRemote@pacourts.us their list of witnesses, including the name, email address and mobile telephone number for each witness. All witnesses will testify via WebEx.			
	7. The Court shall provide counsel with a link to upload their respective pre-marked exhibits, if any. Said exhibits shall be electronically exchanged by the parties and Proposed Intervenor and shall be uploaded no later than 3:00 p.m. on January 6, 2022. The parties and Proposed Intervenor shall email the Court at CommCourtRemote@pacourts.us to confirm all exhibits have been uploaded. Failure to comply with this paragraph may result in the exclusion of an exhibit. In addition, the parties and Proposed Intervenor are directed to provide their witnesses with			
	copies of the exhibits in advance of the hearing to which the witnesses can refer during their testimony.			
	8. The parties and Proposed Intervenor are strongly encouraged to consult prior to the filing of their list of witnesses and exhibits and, if possible, enter into evidentiary and/or factual stipulations and/or agreed-upon protocols in order to streamline the proceedings. The parties and Proposed Intervenor may PAC-file any joint stipulations or protocols prior to the hearing.			
	9. Unless otherwise ordered, all filings required or permitted by paragraphs 4, 5 and 6 of this Order shall be filed no later than 1:00 p.m. on January 6, 2022.			

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January 5, 2022	Answer to Application for Intervention (Pa.R.A.P. 1531b)			
	King, Thomas W., III	County of Fulton	Petitioner	
	King, Thomas W., III	Fulton County Board of Elections	Petitioner	
	King, Thomas W., III	Ulsh, Stuart L.	Petitioner	
	King, Thomas W., III	Bunch, Randy H.	Petitioner	
	Document Name: Petitioners' Answer in Opposition to the Emergency Application to Intervene of Dominion			
	Comment: Voting Systems, Inc.			
January 6, 2022	Application to be Admitted Pro Hac Vice Filed			
	Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
January 6, 2022	Filed - Other			
	King, Thomas W., III	County of Fulton	Petitioner	
	King, Thomas W., III	Fulton County Board of Elections	Petitioner	
	King, Thomas W., III	Ulsh, Stuart L.	Petitioner	
	King, Thomas W., III	Bunch, Randy H.	Petitioner	
	Document Name: Petitioner's Witness List			
January 6, 2022	Filed - Other			
	Gallagher, Shawn N.	Dominion Voting Systems, Inc.	Intervenor	
	Fitzgerald, Robert J.	Dominion Voting Systems, Inc.	Intervenor	
	Lucas, Brendan Patrick	Dominion Voting Systems, Inc.	Intervenor	
	Document Name: Proposed Intervenor Dominion Voting Systems' Witness and Exhibit Lists			
January 6, 2022	Stipulation Filed			
	Gallagher, Shawn N.	Dominion Voting Systems, Inc.	Intervenor	
	Breth, Thomas E.	County of Fulton	Petitioner	
	King, Thomas W., III	County of Fulton	Petitioner	
	Breth, Thomas E.	Ulsh, Stuart L.	Petitioner	
	Breth, Thomas E.	Bunch, Randy H.	Petitioner	
	Breth, Thomas E.	Fulton County Board of Elections	Petitioner	
	King, Thomas W., III	Ulsh, Stuart L.	Petitioner	
	King, Thomas W., III	Bunch, Randy H.	Petitioner	
	King, Thomas W., III	Fulton County Board of Elections	Petitioner	
	Lucas, Brendan Patrick	Dominion Voting Systems, Inc.	Intervenor	
	Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Document Name: Joint Stipulations			
January 6, 2022	Filed - Other			
	King, Thomas W., III	County of Fulton	Petitioner	
	King, Thomas W., III	Fulton County Board of Elections	Petitioner	
	King, Thomas W., III	Ulsh, Stuart L.	Petitioner	
	King, Thomas W., III	Bunch, Randy H.	Petitioner	
	Document Name: Petitioner's Exhibit List			

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January 6, 2022	Answer Filed			
	Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Hill, John Brent	Secretary of the Commonwealth	Respondent	
	Moniak, Stephen	Secretary of the Commonwealth	Respondent	
Document Name: Respdnent's Answer to Emergency App. for Leave to Intervene				
January 6, 2022	Letter			
	Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
Document Name: re: inspection protocols				
January 6, 2022	Letter			
	King, Thomas W., III	County of Fulton	Petitioner	
	King, Thomas W., III	Fulton County Board of Elections	Petitioner	
	King, Thomas W., III	Ulsh, Stuart L.	Petitioner	
	King, Thomas W., III	Bunch, Randy H.	Petitioner	
Document Name: Response to iInspection Protocol Letter				
January 6, 2022	Order Granting Application to be Admitted Pro Hac Vice			01/07/2022
	Per Curiam			
Document Name: for Eitan Gavriel Kagedan, Esq.				
Comment: NOW, January 6, 2022, upon consideration of the motion of Robert Wiygul, Esq., for admission pro hac vice of Eitan Gavriel Kagedan, Esq., on behalf of Respondent, the Secretary of the Commonwealth, it is hereby ordered:				
(1) Eitan Gavriel Kagedan, Esq. is admitted pro hac vice to the bar of the Commonwealth of Pennsylvania under Pennsylvania Bar Admission Rule 301, as co-counsel on behalf of Respondent in this matter;				
(2) Eitan Gavriel Kagedan, Esq. shall abide by the rules of this Court including all disciplinary rules;				
(3) Eitan Gavriel Kagedan, Esq. shall immediately notify this Court of any matter affecting his standing at the bar of any other court where he may be admitted to practice; and				
(4) Robert Wiygul, Esq., the moving attorney herein, shall continue to be responsible as counsel of record for the conduct of this matter on behalf of Respondent				
January 7, 2022	Order Filed			01/07/2022
	Per Curiam			
Document Name: Order Postponing Inspection				
Comment: NOW, January 7, 2022, upon consideration of letters submitted by Respondent and Petitioners on January 6, 2022, and following a status conference, upon agreement of the parties, this Court's order of December 21, 2021 is hereby AMENDED to postpone the inspection of Fulton County's voting machines by Envoy Sage, LLC, to Wednesday, January 12, 2022.				
The parties are ORDERED to negotiate, in good faith, protocols that will apply to said inspection. Further, the parties shall file a joint status report advising of the status of their negotiations no later than 1:00 p.m. on Tuesday, January 11, 2022.				
January 7, 2022	Letter			
	Steinhardt, Douglas Joseph	Ulsh, Stuart L.	Petitioner	
	Steinhardt, Douglas Joseph	Bunch, Randy H.	Petitioner	
Document Name: Petitioners' Opposition to the application before the court.				
January 7, 2022	Entry of Appearance			
	Steinhardt, Douglas Joseph	Ulsh, Stuart L.	Petitioner	
	Steinhardt, Douglas Joseph	Bunch, Randy H.	Petitioner	

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January 10, 2022	Application for Relief Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Document Name: Emergency Appl. of Resp. to Reschedule the 1-12-22 Inspection due to the Unavailability of Expert.			
January 10, 2022	Order Filed Per Curiam			01/10/2022
	Document Name: Petitioner's Are Directed to File an Answer to App for Emergency Relief by 8:00am Jan. 11, 2022			
	Comment: NOW, January 10, 2022, upon consideration of the Emergency Application of Respondent to Reschedule the January 12, 2022 Inspection due to the Unavailability of Respondent's Expert (Application), Petitioners shall file and serve an answer to the Application later than 8:00 a.m. on January 11, 2022.			
January 10, 2022	Memorandum Opinion Filed Leavitt, Mary Hannah			01/10/2022
	Document Name: Memorandum Opinion (7 pages)			
	Comment: NOW, January 10, 2022, upon consideration of the Emergency Application for Leave to Intervene for the Limited Purpose of Seeking a Protective Order (Application to Intervene) filed by Dominion Voting Systems, Inc., the Application to Intervene is DENIED.			
January 10, 2022	Answer to Application for Emergency Relief King, Thomas W., III	County of Fulton	Petitioner	
	King, Thomas W., III	Fulton County Board of Elections	Petitioner	
	King, Thomas W., III	Uish, Stuart L.	Petitioner	
	King, Thomas W., III	Bunch, Randy H.	Petitioner	
	Document Name: Petitioner's Answer to Emergency Application to Reschedule the January 12, 2022 Inspection			
January 11, 2022	Order Filed Per Curiam			01/11/2022
	Document Name: Petitioner's Letter Request to Deny Emergency App to Intervene is Dismissed as Moot			
	Comment: NOW, January 11, 2022, upon consideration of the letter filed by Petitioners Stuart L. Uish and Randy H. Bunch in their individual capacities (Individual Petitioners), wherein the Individual Petitioners request that this Court deny the Emergency Application of Dominion Voting Systems, Inc. for Leave to Intervene for the Limited Purpose of Seeking a Protective Order, and it appearing that this Court's January 10, 2022, opinion and order denied the application to intervene, Individual Petitioners' letter request is DISMISSED as moot.			
January 11, 2022	Order Granting Application for Relief Per Curiam			01/11/2022
	Document Name: Inspection of Voting Machines is Postponed to 1:00 pm Jan. 14, 2022			
	Comment: NOW, January 11, 2022, upon consideration of the Emergency Application of Respondent to Reschedule the January 12, 2022, Inspection due to the Unavailability of Respondent's Expert, and Petitioners' Answer thereto, this Court's order of January 7, 2022, is hereby AMENDED to postpone the inspection of Fulton County's voting machines by Envoy Sage, LLC, to no earlier than 1:00 p.m. on Friday, January 14, 2022. The parties shall continue negotiating protocols that will apply to said inspection. Further, the parties' joint status report, currently due on January 11, 2022, shall now be due no later than 4:00 p.m. on January 13, 2022.			
January 11, 2022	Letter Steinhardt, Douglas Joseph	Uish, Stuart L.	Petitioner	
	Steinhardt, Douglas Joseph	Bunch, Randy H.	Petitioner	
	Document Name: Petitioner's Opposition to the emergency application before the Court			

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January 11, 2022	Order Filed Per Curiam			01/11/2022
	Document Name: Individual Petitioners' Letter In Opposition to Emergency Application is Dismissed as Moot			
	Comment: NOW, January 11, 2022, upon consideration of the letter filed by Petitioners Stuart L. Ulish and Randy H. Bunch in their individual capacities (Individual Petitioners) in opposition to the Emergency Application of Respondent to Reschedule the January 12, 2022, Inspection due to the Unavailability of Respondent's Expert (Application), and it appearing that the Court disposed of the Application by order of January 11, 2022, Individual Petitioners' letter request is DISMISSED as moot.			
January 13, 2022	Joint Status Report			
	Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Breth, Thomas E.	County of Fulton	Petitioner	
	King, Thomas W., III	County of Fulton	Petitioner	
	Breth, Thomas E.	Ulish, Stuart L.	Petitioner	
	Breth, Thomas E.	Bunch, Randy H.	Petitioner	
	Breth, Thomas E.	Fulton County Board of Elections	Petitioner	
	King, Thomas W., III	Ulish, Stuart L.	Petitioner	
	King, Thomas W., III	Bunch, Randy H.	Petitioner	
	King, Thomas W., III	Fulton County Board of Elections	Petitioner	
	Moniak, Stephen	Secretary of the Commonwealth	Respondent	
	Document Name: Jt Report on Status of Negotiations			
January 13, 2022	Application for Emergency Relief			
	Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Hill, John Brent	Secretary of the Commonwealth	Respondent	
	Moniak, Stephen	Secretary of the Commonwealth	Respondent	
	Tucker, Joe H., Jr.	Secretary of the Commonwealth	Respondent	
	Document Name: Respondent's Renewed Emergency APp. for an Order to Enjoin Third Party Insepection on 1/14/22			
January 13, 2022	Answer to Application for Emergency Relief			
	King, Thomas W., III	County of Fulton	Petitioner	
	King, Thomas W., III	Fulton County Board of Elections	Petitioner	
	King, Thomas W., III	Ulish, Stuart L.	Petitioner	
	King, Thomas W., III	Bunch, Randy H.	Petitioner	
	Document Name: Petitioner's Response to Rspndent's Renewed Emergency Application			
January 14, 2022	Memorandum and Order			01/14/2022
	Leavitt, Mary Hannah			
	Document Name: Respondent's Emergency Application and Renewed Emergency Application Are Denied and Dismissed			
	Comment: NOW, January 14, 2022, Respondent's Emergency Application for an Order Prohibiting Spoliation of Key Evidence Scheduled to Occur on December 22, 2021, is DENIED.			
	Further, Respondent's Renewed Emergency Application for an Order to Enjoin the Third-Party Inspection Currently Scheduled for January 14, 2022, from Proceeding is DISMISSED as improvidently filed.			
January 14, 2022	Notice of Appeal to PA Supreme Court Filed			
	Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Document Name: 3 MAP 2022			

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
January 19, 2022	Application for Stay			
	Gallagher, Shawn N. Lucas, Brendan Patrick	Dominion Voting Systems, Inc. Dominion Voting Systems, Inc.	Intervenor Intervenor	
	Document Name: Dominion Voting Systems, Inc. Application to Stay Pending Appeal			
January 19, 2022	Notice of Appeal to PA Supreme Court Filed			
	Dominion Voting Systems, Inc.		Intervenor	
	Document Name: 4 MAP 2022			
January 19, 2022	Certificate of Service Filed			
	Fitzgerald, Robert J.	Dominion Voting Systems, Inc.	Intervenor	
	Gallagher, Shawn N.	Dominion Voting Systems, Inc.	Intervenor	
	Lucas, Brendan Patrick	Dominion Voting Systems, Inc.	Intervenor	
	Document Name: for the Application for Stay			
January 19, 2022	Petitioner's Brief Filed			
	County of Fulton		Petitioner	
	Fulton County Board of Elections		Petitioner	
	Ulsh, Stuart L.		Petitioner	
	Bunch, Randy H.		Petitioner	
	Document Name: In opposition to respondent's P.O.'s			
January 21, 2022	Exhibit			
	Court Reporter			
	Document Name: From hearing of 1/7/22.			
January 26, 2022	Notice			
	Commonwealth Court Filing Office			
	Document Name: 3 MAP 2022-Record forwarded to the Supreme Court of PA, Middle District.			
January 27, 2022	Certificate of Service Filed			
	Commonwealth Court Filing Office			
	Document Name: List of documents forwarded to counsel & all unrepresented parties pursuant to Pa. R.A.P. 1931(d).			
January 27, 2022	Order Granting Application for Stay			01/27/2022
	Supreme Court of Pennsylvania			
	Document Name: 3 MAP 2022-Emergency App to Stay 3rd Party Inspection of Electronic Voting System scheduled to begin			
	Comment: @ 1PM on 1/14/22 is Granted. The order entered on 1/14/22 shall remain in effect pending the disposition of this appeal.			
	the applications of the Democratic Senators and of Senate President Pro Tempore Jacob Corman III & Senator Chris Dush for leave to participate as amici curiae are granted.			
February 2, 2022	Respondent's Reply Brief Filed			
	Secretary of the Commonwealth		Respondent	
	Document Name: In support of P.O.'s to the amended PFR			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
February 7, 2022	Order Denying Application for Stay Per Curiam			02/07/2022
	Document Name: App. for Stay filed by Dominion Voting Systems, Inc. is denied. Comment: NOW, February 7, 2022, upon consideration of the Application for Stay Pending Appeal (Application) filed by Dominion Voting Systems, Inc., to which no answer has been filed, the Application is DENIED.			
February 9, 2022	Argument Scheduled Krimmel, Michael			
	Document Name: Thursday, March 10, 2022, 9:30 a.m. (Panel) CR 5001, Pennsylvania Judicial Center, Harrisburg Comment: No. 42 on the list.			
March 21, 2022	Commonwealth Court Decision Reversed Supreme Court of Pennsylvania			
	Document Name: 4 MAP 2022			
April 19, 2022	Praecipe for Withdrawal of Appearance			
	King, Thomas W., III	County of Fulton	Petitioner	
	King, Thomas W., III	Fulton County Board of Elections	Petitioner	
	King, Thomas W., III	Ulsh, Stuart L.	Petitioner	
	King, Thomas W., III	Bunch, Randy H.	Petitioner	
	Breth, Thomas E.	County of Fulton	Petitioner	
	Shuber, Jordan Peter	County of Fulton	Petitioner	
	Breth, Thomas E.	Ulsh, Stuart L.	Petitioner	
	Breth, Thomas E.	Bunch, Randy H.	Petitioner	
	Breth, Thomas E.	Fulton County Board of Elections	Petitioner	
	Shuber, Jordan Peter	Ulsh, Stuart L.	Petitioner	
	Shuber, Jordan Peter	Bunch, Randy H.	Petitioner	
	Shuber, Jordan Peter	Fulton County Board of Elections	Petitioner	
	Document Name: Attys. King, Breth and Shuber			
April 26, 2022	Praecipe for Withdrawal of Appearance Moniak, Stephen	Secretary of the Commonwealth	Respondent	
May 17, 2022	Order Filed Supreme Court of Pennsylvania			05/17/2022
	Document Name: 3 MAP 2022-Dispositional Memo. Order.			
May 23, 2022	Opinion Leavitt, Mary Hannah			05/23/2022
	Document Name: Opinion (28 pages) Comment: AND NOW, this 23rd day of May, 2022, the preliminary objection filed by the Secretary of the Commonwealth in the above-captioned matter is hereby OVERRULED. The Secretary of the Commonwealth shall file an answer to the amended petition for review within thirty (30) days of the date of this order. Judge Wallace did not participate in the decision.			
June 22, 2022	Answer and New Matter Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Document Name: Answer and New Matter to Amended Petition for Review.			

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June 28, 2022	Entry of Appearance			
	Carroll, Thomas J.	County of Fulton	Petitioner	
	Carroll, Thomas J.	Fulton County Board of Elections	Petitioner	
	Carroll, Thomas J.	Ulsh, Stuart L.	Petitioner	
	Carroll, Thomas J.	Bunch, Randy H.	Petitioner	
Document Name: For Thomas J. Carroll, Esquire.				
June 30, 2022	Entry of Appearance			
	Boyer, Jacob Biehl	Secretary of the Commonwealth	Respondent	
Document Name: Atty. Boyer for Respondent Secretary of the Commonwealth/Withdraw Thomson				
July 12, 2022	Application for Extension of Time to File			
	Carroll, Thomas J.	County of Fulton	Petitioner	
	Carroll, Thomas J.	Fulton County Board of Elections	Petitioner	
	Carroll, Thomas J.	Ulsh, Stuart L.	Petitioner	
	Carroll, Thomas J.	Bunch, Randy H.	Petitioner	
Document Name: Motion to Extend Time to file a Responsive Pleading.				
July 13, 2022	Stipulation Filed			
	Carroll, Thomas J.	County of Fulton	Petitioner	
	Carroll, Thomas J.	Fulton County Board of Elections	Petitioner	
	Carroll, Thomas J.	Ulsh, Stuart L.	Petitioner	
	Carroll, Thomas J.	Bunch, Randy H.	Petitioner	
Document Name: Stipulation and Consent.				
July 13, 2022	Order Granting Application for Extension of Time to File			07/13/2022
	Per Curiam			
Document Name: Petitioners' Responsive Pleading is Due July 18, 2022				
Comment: NOW, this 13th day of July, 2022, upon consideration of Petitioners' Motion to Extend Time to File Responsive Pleading, it is ORDERED that the Motion is GRANTED. Petitioners' responsive pleading to Respondent's answer and new matter is due on or before July 18, 2022.				
July 14, 2022	Stipulation Filed			
	Carroll, Thomas J.	County of Fulton	Petitioner	
	Carroll, Thomas J.	Fulton County Board of Elections	Petitioner	
	Carroll, Thomas J.	Ulsh, Stuart L.	Petitioner	
	Carroll, Thomas J.	Bunch, Randy H.	Petitioner	
Document Name: Amended Stipulation and Consent				
July 15, 2022	Order Filed			07/15/2022
	Per Curiam			
Document Name: Responsive Pleading to Answer and New Matter is Now Due July 26, 2022				
Comment: NOW, this 15th day of July, 2022, upon consideration of Petitioners' Stipulation and Consent and Amended Stipulation and Consent, Petitioners' responsive pleading to Respondent's answer and new matter which was to be filed and served on or before July 18, 2022, shall now be file and served on or before July 26, 2022.				
July 19, 2022	Entry of Appearance			
	Kagedan, Eitan Gavriel	Secretary of the Commonwealth	Respondent	
Document Name: of Eitan Kagedan, Esq. on behalf of Respondent				

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
July 26, 2022	Answer to New Matter Carroll, Thomas J. Carroll, Thomas J. Carroll, Thomas J. Carroll, Thomas J.	County of Fulton Fulton County Board of Elections Ulsh, Stuart L. Bunch, Randy H.	Petitioner Petitioner Petitioner Petitioner	
Document Name: Plaintiff's Reply to New Matter.				
October 21, 2022	Order Filed Supreme Court of Pennsylvania			10/21/2022
Document Name: 3 MAP 2022 - Order Appointing Special Master				
October 24, 2022	Order Filed Cohn Jubelirer, Renee			10/24/2022
Document Name: Scheduling Order in Accordance with Pa. Supreme Ct. Order of Oct. 21, 2022				
Comment: NOW, October 24, 2022, in accordance with the Pennsylvania Supreme Court's October 21, 2022 Order in County of Fulton, et al. v. Secretary of the Commonwealth, (Pa., No. 3 MAP 2022), ¹ the undersigned Special Master hereby ORDERS as follows:				
1. Appellees (collectively, Fulton County) shall file and serve an answer to Appellant's (Secretary) Application for an Order Holding [Fulton County] in Contempt and Imposing Sanctions (Application for Contempt) no later than 11:59 p.m. on October 26, 2022.				
2. Fulton County, the Secretary, and Intervenor Dominion Voting Systems, Inc. (Dominion) shall file and serve memoranda of law, with citations to relevant authority, addressing whether the relief requested in the Secretary's Application for Contempt is civil or criminal in nature, and describing the appropriate procedural safeguards that attach thereto, no later than 11:59 p.m. on October 26, 2022.				
3. A status conference is scheduled for October 27, 2022, at 1:00 p.m. The Court will host the status conference via WebEx. ² Fulton County, the Secretary, and Dominion shall participate in the status conference. The parties shall provide the Court with their name, email address and telephone numbers within 24 hours of receiving this Order. The contact email address for the Court is: CommCourtRemote@pacourts.us. The Court will provide counsel with the information for connecting to the status conference. To facilitate participation in the status conference, various WebEx applications are available for download at pacourts.webex.com. Please see the Protocol for WebEx Video, attached to this order. The parties are directed to connect to the status conference 15 minutes before the starting time. In the event of technical difficulties, please contact the Court's IT staff at 717-255-1626. All other inquiries should be directed to the Prothonotary's Office.				
4. No extensions or continuances shall be granted.				
1 In its October 21, 2022 Order the Pennsylvania Supreme Court designated the undersigned Special Master. All future filings directed by the Special Master shall be docketed in this Court at No. 277 M.D. 2021 and captioned as set forth above.				
2 The status conference will be available to watch via a public livestream weblink posted on the Court's website.				
October 26, 2022	Praecipe for Withdrawal of Appearance Steinhardt, Douglas Joseph Steinhardt, Douglas Joseph	Ulsh, Stuart L. Bunch, Randy H.	Petitioner Petitioner	
Document Name: Atty. Steinhardt for Petitioners Ulsh and Bunch				

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
October 26, 2022	Memorandum of Law Filed Secretary of the Commonwealth		Respondent	
	Document Name: Memo Re: Nature of Relief Sought by the Secretary's Application for An Order Holding Comment: Petitioners in Contempt and Imposing Sanctions			
October 26, 2022	Memorandum of Law Filed Dominion Voting Systems, Inc.		Intervenor	
	Document Name: Memo Adopting the Memo of Law filed by the Secretary of the Commonwealth			
October 26, 2022	Answer Filed Carroll, Thomas J.	County of Fulton	Petitioner	
	Carroll, Thomas J.	Fulton County Board of Elections	Petitioner	
	Carroll, Thomas J.	Ulsh, Stuart L.	Petitioner	
	Carroll, Thomas J.	Bunch, Randy H.	Petitioner	
	Document Name: Answer to Appellant's Application for an Order holding Appellees in Contempt and Imposing Sanctions			
October 26, 2022	Memorandum of Law Filed County of Fulton		Petitioner	
	Fulton County Board of Elections		Petitioner	
	Ulsh, Stuart L.		Petitioner	
	Bunch, Randy H.		Petitioner	
October 26, 2022	Exhibit Carroll, Thomas J.	County of Fulton	Petitioner	
	Carroll, Thomas J.	Fulton County Board of Elections	Petitioner	
	Carroll, Thomas J.	Ulsh, Stuart L.	Petitioner	
	Carroll, Thomas J.	Bunch, Randy H.	Petitioner	
	Document Name: to the Answer to Appellant's Appl for an Order holding Appellees in Contempt & Imposing Sanctions			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
October 27, 2022	Order Filed Cohn Jubelirer, Renee			10/27/2022
	Document Name: Proposed Scheduling Order Due October 28, 2022, 11:59 am			
	Comment: NOW, October 27, 2022, following a status conference in the abovecaptioned matter, it is hereby ORDERED as follows:			
	1. The parties shall work together, in good faith, to file a joint proposed scheduling order setting forth suggested deadlines for: (a) the submission of stipulations, (b) depositions and responses thereto, (c) requests for production of documents and responses thereto, (d) any other related pre-hearing discovery, (e) proposed findings of fact and recommendations concerning the relief sought by the Secretary of the Commonwealth, no later than Friday, October 28, 2022, at 11:59 a.m.			
	2. In the event the parties cannot agree on a joint proposed scheduling order for the above, each party shall file a separate proposal setting forth their suggested deadlines for the above items no later than Friday, October 28, 2022, at 11:59 a.m.			
	3. Given the existing time constraints in this matter, no extensions or continuances will be granted. No late submissions will be considered by the Court.			
October 28, 2022	Filed - Other Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Document Name: Secretary's Proposed Scheduling Order			
October 28, 2022	Entry of Appearance Fischer, Michael John	Secretary of the Commonwealth	Respondent	
	Document Name: Atty. Fischer for Respondent Secretary of the Commonwealth			
October 28, 2022	Filed - Other Carroll, Thomas J. Carroll, Thomas J. Carroll, Thomas J. Carroll, Thomas J.	County of Fulton Fulton County Board of Elections Ulsh, Stuart L. Bunch, Randy H.	Petitioner Petitioner Petitioner Petitioner	
	Document Name: Fulton Co.'s Discovery Proposal and Request for Briefing			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
October 28, 2022	Order - Rule to Show Cause Cohn Jubelirer, Renee			10/28/2022
Document Name: Why the Secretary is Not Entitled Relief Requested / Hearing on Rule Nov. 9, 2022, 9:00am PJC				

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
	<p>Comment: NOW, October 28, 2022, upon consideration of Respondent/Appellant's (Secretary) Scheduling Proposal in Response to the Order Dated October 27, 2022,¹ and Petitioners/Appellees' (collectively, Fulton County) Separate Discovery Proposal and Request for Briefing on Motions Requesting Certain Rulings from the Court, and the Court having considered the existing time constraints in this matter, while also endeavoring to give the parties as much time as possible to prepare their respective cases, the Court hereby ORDERS as follows:</p> <ol style="list-style-type: none"> 1. A rule is issued upon the County of Fulton, Fulton County Board of Elections, Stuart L. Ulsh, in his official capacity as County Commissioner of Fulton County and in his capacity as a resident, taxpayer and elector in Fulton County (Commissioner Ulsh), and Randy H. Bunch, in his official capacity as County Commissioner of Fulton County and in his capacity as a resident, taxpayer and elector of Fulton County (Commissioner Bunch) to show cause why the Secretary is not entitled to the relief requested in her Application for an Order Holding [Fulton County] in Contempt and Imposing Sanctions (Application for Contempt). 2. The Secretary's Application for Contempt shall be decided under Pa.R.Civ.P. 206.7. 3. Hearing on the rule to show cause in connection with the Application for Contempt shall be held on Wednesday, November 9, 2022, at 9:00 a.m., in Courtroom 3001, Third Floor, Pennsylvania Judicial Center, 601 Commonwealth Avenue, Harrisburg, Pennsylvania.² In the event the hearing continues into Thursday, November 10, 2022, the hearing will reconvene at 9:00 a.m. in the same location. 4. The Secretary shall secure the services of a court reporter for the duration of the hearing. The court reporter shall be prepared for Court to be in session outside of normal Court hours. The court reporter shall provide a rough transcript to the Court and counsel at the conclusion of each day of the hearing and expedite preparation of a transcript following the conclusion of the hearing. 5. Discovery in advance of the hearing shall proceed strictly as follows: <ol style="list-style-type: none"> (a) The Secretary shall serve any requests for production of documents on Fulton County, via email, no later than October 28, 2022, at 8:00 p.m. (b) Fulton County and Dominion shall serve any requests for production of documents, via email, on the opposing party no later than October 31, 2022, at 12:00 noon. (c) The parties shall serve written interrogatories, requests for admissions, and proposed deposition questions (excluding follow-up questions), if any, via email, on the opposing party, no later than October 31, 2022, at 12:00 noon. (d) Responses, productions, and objections, if any, to the discovery requests served pursuant to Paragraph 5(a)-(c) shall be completed and returned to the 			

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	<p>requesting party no later than November 2, 2022, at 12:00 noon. Objections filed after November 2, 2022, at 12:00 noon will be considered waived and will not be entertained by the Court.</p> <p>(i) To the extent objections are raised on privilege grounds, the party asserting privilege shall simultaneously serve a privilege log identifying the following information with respect to each withheld document or communication: (1) the date of the document or communication; (2) its author or sender; (3) all persons receiving the document or communication and any copies; (4) the nature and form of the document or communication (e.g., letter, memorandum, phone call, etc.); (5) the subject matter identified in the document or communication; and (6) the specific privilege claimed and the basis for such claim or other reason the document or communication is asserted to be non-discoverable.</p> <p>(e) Counsel are reminded of their obligation to act in good faith to resolve all discovery disputes. To the extent objections to any discovery requests served remain, the parties shall file an appropriate motion, including but not limited to a motion in limine, with this Court no later than November 3, 2022, at 12:00 noon, and shall attach a supporting memorandum of law.</p> <p>(f) Joint stipulations of fact and the authenticity or admissibility of exhibits may be filed at any time in advance of the start of the hearing.</p> <p>discovery disputes that arise without Court involvement.</p> <p>6. The parties shall file and serve a witness and exhibit list that includes a brief statement estimating the length of time for presentation of their respective evidence during the hearing no later than November 8, 2022, at 9:00 a.m.</p> <p>7. No later than November 14, 2022, at 12:00 noon, each party shall file a post-hearing brief, which shall include proposed findings of fact (with citations to the record) and proposed recommendations for each specific request for relief sought by the Secretary in the Application for Contempt (with citations to authority).</p> <p>8. The Secretary shall promptly serve this Order on the County of Fulton, Fulton County Board of Elections, Commissioner Ulsh, and Commissioner Bunch in accordance with Pa.R.Civ.P. 440, and shall promptly file in this Court proof of service of same.</p> <p>9. Given the existing time constraints in this matter, no extensions or continuances shall be granted and no late submissions will be considered by the Court. In the event</p>			

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	counsel for any party cannot meet the deadlines set forth above, the Court expects the party to retain other counsel. 10. In addition to electronic filing with the Court, all further filings shall also be immediately emailed to Bridget.Holbein@pacourts.us and Paul.Ritchey@pacourts.us.			
October 28, 2022	Certificate of Service Filed			
	Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Boyer, Jacob Biehl	Secretary of the Commonwealth	Respondent	
	Hill, John Brent	Secretary of the Commonwealth	Respondent	
	Kagedan, Eitan Gavriel	Secretary of the Commonwealth	Respondent	
	Kagedan, Eitan Gavriel	Secretary of the Commonwealth	Respondent	
	Document Name: Compliance with Commonwealht Court Order dated 10/28/22.			
November 2, 2022	Order Filed			11/02/2022
	Supreme Court of Pennsylvania			
	Document Name: 3 MAP 2022-Peitioner -Appellee Fulton County's Emergency Application for a Preliminary Injuntion			
	Comment: to Enjoin Discovery in Special Master Proceedings and to Compel Legal Rulings Preceding Said Discovery is GRANTED temporarily expedited consideration by the full Court.			
November 2, 2022	Order Filed			11/02/2022
	Supreme Court of Pennsylvania			
	Document Name: 3 MAP 2022-In conformity with this Court's 10/21/22 Order designating			
	Comment: the Honorable Renee Cohn Jubelirer to serve as Special Master charged,inter alia, with developing an evidentiary record in the furthererance of disposing of the Secretary of the Commonwealth's pending Application foran Order Holding Appellees in Contempt and Imposing Santions in this matter, Petitioner Appellee Fulton County's Emergency Application for a Preliminary Injuntion to Enjoin Discovery in Special Master Proceedings and to Compel Legal Rulings Preceding Said Discovery is referred to the Special Master for decision. This Order is without prejudice to Petitioner-Appellee's rights to seek discovery-related before the Special Master in due course and in full conformity with any prior or future orders or directives issued by the Special Master. Because this Court's entry earlier this day of temporary stay pending consideration of the instant Application interfered with the Special Master's October 28, 2022 Order with respect to the parties' discovery production deadline, that Order hereby is amended as follows: The deadline for responses, productions and objections to the parties' discovery requests originally scheduled for 12PM on November 2, 2022, established in paragraph 5(d) of the Special Master's Order is hereby extended to 12PM on November 3, 2022. Correlatively, the deadline for the parties' submission of any discovery objections by motion with memoranda of law set forth in paragraph 5(e) of the same Order is extended to Novmber 4, 2022. In all other respects, the Special Master's October 28, 2022 Order remains in effect unless modified or displaced by the Special Master.			
November 3, 2022	Application for Emergency Relief			
	Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Document Name: Secretary's Emergency Application to Compel Deposition of Commissioners			
November 3, 2022	Filed - Other			
	Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Document Name: Notice Concerning Petitioners' Responses and Objection to the Secretary's Discovery			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
November 3, 2022	Order Filed Cohn Jubelirer, Renee			11/03/2022
Document Name: Upon Consideration of Emergency Application to Compel/ Contempt Proceedings are Civil in Nature				

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
	<p>Comment: NOW, November 3, 2022, upon consideration of the Respondent/Appellant's (Secretary) Emergency Application to Compel the Depositions of Commissioners Stuart L. Ulsh, Randy H. Bunch, and Paula J. Shives on November 4 and 5, 2022 (Application to Compel), which the Special Master considers together with Petitioners/Appellees' (collectively, Fulton County) Emergency Application for a Preliminary Injunction to Enjoin Discovery in Special Master Proceedings and to Compel Legal Rulings Preceding Said Discovery (Emergency Application), and in light of the Supreme Court's Order of November 2, 2022, referring the Emergency Application to the undersigned Special Master, the Special Master hereby ORDERS as follows:</p> <p>1. Given the current schedule, the Special Master will not order Stuart L. Ulsh, Randy H. Bunch, and/or Paula J. Shives (collectively, the Commissioners) to appear for depositions on November 4, 2022. Following receipt of all applications or motions, which are due November 4, 2022, as set forth in the Supreme Court's November 2, 2022 Order, the Special Master will consider whether to compel the Commissioners to attend any later-scheduled depositions.</p> <p>2. To the extent the Emergency Application requests a stay of discovery and/or hearing pending a determination by the Special Master as to whether the instant contempt proceedings are civil or criminal in nature, the Special Master observes that, on the record at the October 27, 2022 status conference in this matter, the Special Master stated that it appeared from the parties filings that these proceedings are in the nature of civil, not criminal, contempt. In response, all parties agreed that these proceedings are in the nature of civil, not criminal, contempt. The Special Master hereby incorporates by reference in this Order a determination, as agreed by the parties, that the instant contempt proceedings are in the nature of civil contempt. The Special Master has afforded, and will continue to afford, the parties the level of due process that accords with that determination.</p> <p>3. To the extent the Emergency Application requests a stay of discovery and/or hearing pending a preliminary legal ruling by the Supreme Court regarding the scope of the Supreme Court's injunction orders issued January 14 and 27, 2022 (Injunction Orders), and in light of the Supreme Court's Orders of October 21, 2022, and November 2, 2022, clarifying that the Special Master's role is to make a recommendation as part of her report to the Supreme Court following development of an evidentiary record, the Special Master concludes that the requested relief regarding the scope of the Injunction Orders presents a mixed question of law and fact, upon which the Special Master will develop a record and make a recommendation, and which the Special Master is not empowered to conclusively resolve. Fulton County may adequately protect its interests in this issue by raising its legal arguments as to the scope of the Injunction Orders in</p>			

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	<p>accordance with the Rule to Show Cause.</p> <p>4. To the extent the Emergency Application requests evidentiary determinations on the various asserted privileges and other evidentiary protections on a global basis, the Special Master will not issue such an order but will entertain any and all unresolved objections in accordance with Paragraph 5(d) and (e) of this Court's Rule to Show Cause, as modified and confirmed by the Supreme Court's November 2, 2022 Order, and further modified as follows: Responses, productions, and objections, if any, to the discovery requests served pursuant to Paragraph 5(a)-(c) of the Rule to Show Cause shall be completed and returned to the requesting party no later than November 3, 2022, at 8:00 p.m. To the extent objections to any discovery requests served remain, the parties shall file those objections by motion with the Special Master no later than November 4, 2022, at 12:00 noon. Failure to timely return objections to discovery requests to the other parties will result in waiver of any such objections, and no untimely discovery-related motions will be considered. The parties are specifically reminded of their obligation to act in good faith to resolve all discovery disputes. The Rule to Show Cause remains in effect as originally filed and modified by the Supreme Court's Order of November 2, 2022, except to the extent modified by this Order.</p> <p>5. A status conference is scheduled for November 4, 2022, at 2:00 p.m. The Court will host the status conference via WebEx, and will contact counsel using the same contact information previously provided to the Court. The Secretary is directed to secure a court reporter for the status conference and shall provide the court reporter's name, email address and telephone number to CommCourtRemote@pacourts.us no later November 4, 2022 at 10:00 a.m. The Protocol for WebEx Video attached to this Court's October 24, 2022 Order is expressly incorporated herein. Fulton County, the Secretary, and Dominion shall participate in the Status Conference. The parties are directed to connect to the status conference 15 minutes before the starting time. In the event of technical difficulties, please contact the Court's IT staff at 717-255-1626.</p>			

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November 4, 2022	Application for Relief			
	Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Boyer, Jacob Biehl	Secretary of the Commonwealth	Respondent	
	Hill, John Brent	Secretary of the Commonwealth	Respondent	
	Kagedan, Eitan Gavriel	Secretary of the Commonwealth	Respondent	
	Kagedan, Eitan Gavriel	Secretary of the Commonwealth	Respondent	
	Tucker, Joe H., Jr.	Secretary of the Commonwealth	Respondent	
Document Name: The Secretary's Application for Discovery Sanctions and Incorporated Memorandum of Law.				
November 4, 2022	Application for Relief			
	Carroll, Thomas J.	County of Fulton	Petitioner	
	Carroll, Thomas J.	Uish, Stuart L.	Petitioner	
	Carroll, Thomas J.	Bunch, Randy H.	Petitioner	
	Carroll, Thomas J.	Fulton County Board of Elections	Petitioner	
Document Name: Fulton County's Motion for Prediacte Legal Ruling and to Exclude Certain Discovery				

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
November 4, 2022	Order Filed Cohn Jubelirer, Renee			11/04/2022
	Document Name: Order re discovery motions			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
	<p>Comment: NOW, November 4, 2022, following a status conference, and upon consideration of Petitioners/Appellees' (collectively, Fulton County) Motion for Predicate Legal Rulings and to Exclude Certain Discovery Requested by the Secretary (Motion for Rulings), and Respondent/Appellant's (Secretary) Application for Discovery Sanctions and Incorporated Memorandum of Law (Application for Discovery Sanctions), the Special Master hereby ORDERS as follows:</p> <p>1. To the extent the Motion for Rulings requests any relief on the basis that there is no factual issue in the instant contempt proceedings that requires discovery, such requests for relief are DENIED. The Special Master concludes that there are factual issues relevant to contempt that warrant discovery to facilitate development of an evidentiary record, as directed in our Supreme Court's October 21, 2022, and November 2, 2022 orders.</p> <p>2. To the extent the Motion for Rulings requests any relief on the basis that conducting discovery before resolution of certain legal issues will unduly prejudice Fulton County, such requests for relief are DENIED. Further, the Special Master specifically concludes as follows:</p> <p>(i) The underlying litigation in the matter docketed at No. 277 M.D. 2021 in this Court does not preclude any discovery sought by the Secretary, as Fulton County has not properly shown or proven that a privilege or objection arises simply on the basis of the underlying litigation. Fulton County has not cited, and the Special Master's independent research has not disclosed, any authority to that effect. Accordingly, Fulton County has failed to raise a proper objection on this basis.</p> <p>(ii) Neither Fulton County's breach of contract action against Intervenor Dominion Voting Systems, Inc. (Dominion), as identified and described in the Motion for Rulings (Breach of Contract Action), nor any other litigation between Fulton County and Dominion, precludes any discovery sought by the Secretary. Fulton County has not properly shown or proven that a privilege or objection arises simply on the basis of other existing litigation. Fulton County has not cited, and the Special Master's independent research has not disclosed, any authority to that effect. The existence of other litigation alone does not shield a party from discovery. Accordingly, Fulton County has failed to raise a proper objection on this basis.</p> <p>(iii) Dominion's proceeding against Fulton County pursuant to the Right-to-Know Law (RTKL), as such proceeding is identified and described in the Motion for Rulings, does not affect discovery in this contempt proceeding. Further, any rights or protections that Fulton County may generally have under the RTKL are not at issue in this proceeding and do not preclude any discovery sought by the Secretary. See <i>Off. of the Dist. Att'y of Phila. v. Bagwell</i>, 155 A.3d 1119, 1138 (Pa. Cmwlth. 2017) ("The analysis of whether a record is discoverable in this jurisdiction and beyond is entirely distinct from whether the record is accessible under the RTKL."). Fulton County has not properly shown or proven that the RTKL applies in this proceeding. Thus, Fulton County's claim of privilege or protection based on the RTKL is meritless and is OVERRULED.</p> <p>3. The Special Master specifically observes the following: All parties have been given the opportunity to raise objections to discovery in good faith, as directed in the Special Master's October 28, 2022 Rule to Show Cause (Rule to Show Cause), as confirmed and modified by the Supreme Court's November 2, 2022 Order, and further modified by the Special Master's November 3, 2022 Order. Pursuant to those orders, the parties were directed to serve objections to discovery requests no later than November 3, 2022, at 8:00 p.m., and objections based on privilege were to be returned with an accompanying privilege log, containing, inter alia, "the specific privilege</p>			



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	<p>claimed and the basis for such claim or other reason the document or communication is asserted to be non-discoverable." Special Master's Rule to Show Cause ¶ 5(d)(i). While the Secretary timely served Fulton County with proposed deposition questions, written interrogatories, requests for admissions, and requests for production (collectively, the Secretary's Discovery), Fulton County failed to object in accordance with the Special Master's Rule to Show Cause and subsequent orders. Specifically, Fulton County failed to object to the Secretary's proposed deposition questions and has continued to raise only blanket objections to the Secretary's Discovery, as reiterated in its Motion for Rulings, in direct violation of Paragraph 5(d)(i) of the Rule to Show Cause. Fulton County has not, at any time, availed itself of the opportunity to raise any objections to discovery on a specific, question-by-question basis as directed in the Special Master's orders. This has precluded the Special Master from making any meaningful determinations on Fulton County's claims of privilege. It is black letter law that the objector to a discovery request must demonstrate non-discoverability. <i>Ario v. Deloitte & Touche LLP</i>, 934 A.2d 1290, 1292-93 (Pa. Cmwlth. 2007) (citing 6 Stnd. Pa. Prac. § 34:24.) Fulton County has failed to carry its burden, and therefore its blanket claims of privilege are OVERRULED based on Fulton County's failure to assert them with sufficient specificity. This includes, without limitation, the claims based on attorney-client privilege, the work product doctrine, the deliberative process privilege, and the asserted violation of the individual constitutional rights of Commissioners Stuart L. Ulsh, Randy H. Bunch, and/or Paula J. Shives (collectively, the Commissioners) or of other unspecified persons from whom discovery is or may be sought.</p> <p>4. To the extent the Motion for Rulings requests any relief based on an argument that the Secretary's Discovery will unduly favor Dominion's interest in this or other litigation, aid another private party, or "tilt the scales of justice," such requests for relief are DENIED based on the Special Master's ongoing obligation to afford due process and consider all parties' claims impartially, fairly, and accurately. The Special Master is, has been, and will continue to afford all parties due process, and Fulton County's conclusory claims to the contrary lacks merit.</p> <p>5. In accordance with Paragraph 1 of the Special Master's November 3, 2022 Order, wherein the Special Master indicated she will consider whether to compel the Commissioners to attend depositions, and to the extent the Secretary wishes to continue with said depositions, the Special Master hereby compels Fulton County to make the Commissioners available for deposition on November 7, and/or 8, 2022. No later than November 5, 2022, at 5:00 p.m., the Secretary shall serve Notices of Deposition on the Commissioners indicating which of the above dates said depositions shall take place.</p> <p>6. The Secretary's Application for Discovery Sanctions is held in abeyance pending the conclusion of the evidentiary hearing.</p>			
November 6, 2022	Entry of Appearance Goldman, Kathleen Jones	Dominion Voting Systems, Inc.	Intervenor	
	Document Name: Kathleen Jones Goldman Esq. - Intervenor - Dominion Voting Systems, Inc.			
November 7, 2022	Application for Emergency Relief Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Document Name: Sec's App for Order of Contempt/Sanctions			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
November 7, 2022	Order Filed Supreme Court of Pennsylvania			11/07/2022
	Document Name: 3 MAP 2022-Respondent Appellee Fulton County's 11/7/22 Emergency App. for a Preliminary Injuntion Comment: to Enjoin Deposition Scheduled for 11/7/22 & to Have Special Master Rule on Fulton County's Legal Issues raised in its Motion Objection to Discovery is hereby DENIED.			
November 8, 2022	Filed - Other Wiygul, Robert Andrew Hill, John Brent Kagedan, Eitan Gavriel	Secretary of the Commonwealth Secretary of the Commonwealth Secretary of the Commonwealth	Respondent Respondent Respondent	
	Document Name: Secretary's Witness and Exhibit Lists			
November 8, 2022	Filed - Other Lucas, Brendan Patrick Gallagher, Shawn N. Goldman, Kathleen Jones	Dominion Voting Systems, Inc. Dominion Voting Systems, Inc. Dominion Voting Systems, Inc.	Intervenor Intervenor Intervenor	
	Document Name: Dominion Voting System Inc.'s Witness and Exhibit List			
November 8, 2022	Order Filed Cohn Jubelirer, Renee			11/08/2022
	Document Name: Petitioners, Fulton County, are Directed to File and Answer to App. for Order Nov. 8, 4:00 pm Comment: NOW, November 8, 2022, Petitioners/Appellees (collectively, Fulton County) are directed to file an answer to Respondent/Appellant's (Secretary) "Application for an Order Holding Petitioners in Contempt and Imposing Sanctions for Violations of the Special Master's November 4, 2022 Order" (Application for Contempt of Special Master's Order) no later than 4:00 p.m., today, Tuesday, November 8, 2022. The Application for Contempt of Special Master's Order, and forthcoming answer thereto, shall be held in abeyance pending the evidentiary hearing scheduled for Wednesday, November 9, 2022, at 9:00 a.m., Courtroom 3001, Third Floor, Pennsylvania Judicial Center, Harrisburg, Pennsylvania, which shall proceed as scheduled. The Special Master notes that the Supreme Court of Pennsylvania denied Fulton County's "Emergency Application for a Preliminary Injunction to Enjoin Depositions Scheduled for November 7, 2022, and to Have Special Master Rule on Fulton County's Legal Issues Raised in its Motion Objection to Discovery." Accordingly, the Special Master CAUTIONS that the Special Master's November 4, 2022 Order remains in force, and all parties properly served with a Notice to Attend, including Fulton County Commissioners Stuart L. Ulsh, Randy H. Bunch, and Paula J. Shives, must attend the evidentiary hearing.			
November 8, 2022	Application for Relief Wiygul, Robert Andrew Boyer, Jacob Biehl Hill, John Brent Kagedan, Eitan Gavriel Kagedan, Eitan Gavriel	Secretary of the Commonwealth Secretary of the Commonwealth Secretary of the Commonwealth Secretary of the Commonwealth Secretary of the Commonwealth	Respondent Respondent Respondent Respondent Respondent	
	Document Name: The Secretary's Application for Relief Concerning Evidentiary Hearing.			
November 8, 2022	Answer to Application for Relief Carroll, Thomas J. Carroll, Thomas J. Carroll, Thomas J. Carroll, Thomas J.	County of Fulton Fulton County Board of Elections Ulsh, Stuart L. Bunch, Randy H.	Petitioner Petitioner Petitioner Petitioner	
	Document Name: Fulton County's Answer to Secretary's Motion			

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November 8, 2022	Application for Emergency Relief Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Document Name: Secretary's Supplemental Application for Holding of Contempt			

November 8, 2022	Order Denying Application for Relief Cohn Jubelirer, Renee			11/08/2022
	Document Name: Fulton County's Application to Stay Proceedings DENIED			
	Comment: NOW, November 8, 2022, upon consideration of the unverified "Fulton County's Motion and/or Reply to Secretary's Motion and to Suspend Proceedings Against County Commissioners During Election Under Pennsylvania Law and to Stay Pending Application for Injunction in the Supreme Court" (Motion) filed by Petitioners/Appellees (collectively, Fulton County), the Motion is DENIED.			

The Special Master has endeavored to provide every opportunity to Stuart L. Uish, Randy H. Bunch, and Paula J. Shives (collectively, the Commissioners) to perform their official obligations as Commissioners, while also fulfilling their responsibilities in these contempt proceedings consistent with the Pennsylvania Supreme Court's Orders of October 21, 2022, and November 2, 2022, which directed the Special Master to develop an evidentiary record and make a recommendation as part of her report to be filed in the Supreme Court no later than November 18, 2022. At a status conference on October 27, 2022, the Special Master proposed November 4, 2022, as a beginning date for the necessary evidentiary hearing. In response, Mr. Thomas J. Carroll, Esq. (Attorney Carroll) stated on the record that he would be completely unavailable for a hearing through November 4, 2022 due to a previously scheduled vacation, and he proposed that the hearing be scheduled for November 9, 2022, instead. Despite Respondent/Appellant's (the Secretary) statement on the record that scheduling the hearing during the week of the Midterm Election would be inconvenient for her, the Special Master adopted Mr. Carroll's suggestion and scheduled the hearing for November 9, 2022. Additionally, following the October 27, 2022 status conference, the parties were directed to file proposed scheduling orders regarding pre-hearing discovery. In Fulton County's proposal, Attorney Carroll specifically stated: "None of the parties has a professional conflict on November 7th and 8th. The parties can vote by mail and conclude depositions in advance of the court's hearing that is scheduled for November 9th and November 10th." See Separate Discovery Proposal and Request for Briefing on Motions Requesting Certain Rulings from the Court, at 3.

Put simply, Attorney Carroll stated on the record and in his filings that November 9th was an appropriate date for the hearing, and the Special Master adopted that recommendation. This hearing date has been established and consistently reiterated in the Special Master's orders, and Notices to Attend served on the Commissioners, since the status conference on October 27, 2022, and at no time until now has Attorney Carroll raised the prospect of the Commissioners' official duties interfering with their attendance at a hearing on that date. To the contrary, on the record at the November 4, 2022 status conference in this matter, Attorney Carroll stated that one of the Commissioners would be out of town for a prepaid vacation after the conclusion of their duties on November 8, 2022.

Had the Commissioners requested other accommodations to allow their attendance at the hearing, including but not limited to, convening the hearing in Fulton County, the Special Master would have entertained such requests, as she continually has throughout these proceedings. Instead, Fulton County has repeatedly requested, at the last minute, to be excused from complying with the Special Master's orders, and from attending depositions or the evidentiary hearing.

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November 9, 2022	Application to be Admitted Pro Hac Vice Filed			
	Carroll, Thomas J.	County of Fulton	Petitioner	
	Carroll, Thomas J.	Fulton County Board of Elections	Petitioner	
	Carroll, Thomas J.	Ulsh, Stuart L.	Petitioner	
	Carroll, Thomas J.	Bunch, Randy H.	Petitioner	
	Document Name: for Atty. Stephanie Lambert Junttila			
November 10, 2022	Order Filed			11/10/2022
	Cohn Jubelirer, Renee			
	Document Name: Fulton County Petitioners are Ordered to Preserve Voting Equipment Access Key Log			
	Comment: NOW, November 10, 2022, Petitioners/Appellees (collectively, Fulton County) are hereby ORDERED to PRESERVE, in its original form, the Fulton County Voting Equipment Access Key Log, as identified and described during Commissioner Paula J. Shives' testimony before this Special Master on November 9, 2022, as ORDERED by the Special Master, and as agreed to by counsel for Fulton County, at the conclusion of the November 9, 2022 hearing.			
	The Prothonotary shall immediately fax this Order to Fulton County Board of Elections at (717) 485-9411, and shall email this Order to the following individuals:			
	James M. Stein, Esq.			
	Commissioner Stuart L. Ulsh			
	Commissioner Randy H. Bunch			
	Commissioner Paula J. Shives			
	Fulton County Director of Elections Patty Hess			

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November 10, 2022	Order Filed Cohn Jubelirer, Renee			11/10/2022
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Document Name: Order reconvening hearing

Comment: NOW, November 10, 2022, the Special Master hereby ORDERS as follows:

- The evidentiary hearing in this matter shall reconvene on Monday, November 14, 2022, at 9:30 a.m., in Courtroom 2, The Widener Building, 1339 Chestnut Street, One South Penn Square, Philadelphia, Pennsylvania 19107.
- Counsel for Petitioners/Appellees (Fulton County) and Respondent/Appellant (the Secretary) shall appear IN-PERSON for the November 14, 2022 Hearing.
- Counsel for Intervenor Dominion Voting Systems may appear at the November 14, 2022 Hearing via WebEx video conferencing. To facilitate participation in the November 14, 2022 hearing, counsel for Intervenor Dominion Voting Systems shall provide his email and telephone number to CommCourtRemote@pacourts.us within 24 hours of receiving this Order.
- Fulton County Commissioner Randy H. Bunch (Commissioner Bunch) shall appear to testify for the November 14, 2022 Hearing via WebEx Video Conferencing. Thomas J. Carroll, Esq. (Attorney Carroll) shall provide Commissioner Bunch's email and telephone number to CommCourtRemote@pacourts.us within 24 hours of receiving this Order.
- To facilitate participation in the hearing, various WebExapplications are available for download at pacourts.webex.com. Please see the Protocol for WebEx Video, attached to this Order. Counsel for Intervenor Dominion Voting Systems and Commissioner Bunch are directed to connect to the hearing 15 minutes before the starting time. In the event of technical difficulties, please contact the Court's IT staff at 717-255-1626. All other inquiries should be directed to the Prothonotary's Office.
- The Secretary shall retain the services of a court reporter for the hearing. The court reporter shall be prepared for Court to be in session outside of normal Court hours. The court reporter shall provide a rough transcript to the Court and counsel at the conclusion of each day of the hearing and expedite preparation of a transcript following the conclusion of the hearing.
- Counsel of record shall email CommCourtRemote@pacourts.us to request access to upload exhibits that will be used in the November 14, 2022 hearing.
- As per agreement of counsel, the Court extends the deadline for each party to file a post-hearing brief, which shall include proposed findings of fact (with citations to the record) and proposed recommendations for each specific request for relief sought by the Secretary in the Application for Contempt (with citations to authority) no later than November 15, 2022, at 11:59 p.m.

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November 10, 2022	Transcript Filed Court Reporter Document Name: 10-27-2022 Status Conference			
November 14, 2022	Order Filed Cohn Jubelirer, Renee Document Name: Following the conclusion of the evidentiary hearing The Special Master hereby ORDERS as follows: Comment: 1. Having reviewed the transcript from the evidentiary hearing on November 10, 2022, wherein the parties and the Special Master reviewed photographs from the cellular telephone of Respondent/Appellant's (Secretary) expert, Ryan Macias, and the Special Master noting that said photographs were not moved for admission into evidence, the Special Master concludes that aside from their testimonial references, the photographs themselves are not part of the evidentiary record in this matter and are therefore not subject to a preservation order as orally requested by Petitioners/ Appellees (collectively Fulton County) on November 14, 2022. Accordingly, the parties are relieved from briefing any issue related to the relevancy and/or necessity of preservation of Mr. Macias's photographs in their forthcoming post-hearing briefs. Nevertheless, the Special Master reminds the parties of the general duty to preserve evidence that may be relevant to pending litigation. 2. The Special Master extends the deadline for each party to file and email a post-hearing brief, which shall include proposed findings of fact (with citations to the record) and proposed recommendations for each specific request for relief sought by the Secretary in the Application for Contempt (with citations to authority) no later than November 16, 2022, at 9:00 a.m.			11/14/2022
November 15, 2022	Order Filed Cohn Jubelirer, Renee Document Name: The court reporter is hereby ORDERED to produce a redacted version of the 11/10/22 Transcript Comment: The court reporter is hereby ORDERED to produce a redacted version of the November 10, 2022 Hearing Transcript in the above-captioned matter, redacting Page 11, Line 11, through Page 16, Line 21, inclusive. No later than November 18, 2022, at 12:00 noon, the court reporter shall provide the redacted version to the Court and counsel. The redacted version of the November 10, 2022 Hearing Transcript shall appear in the public record of this case. The unredacted version will be placed under seal. Review of the unredacted transcript by non-court personnel is restricted to counsel of record and their designated agents. Respondent/Appellant shall immediately provide a copy of this Order to the court reporter.			11/15/2022
November 16, 2022	Filed - Other Wygul, Robert Andrew Document Name: Sec's Post-Hearing Submission, including Proposed Findings of Facts & Recommendation to Supreme Ct	Secretary of the Commonwealth	Respondent	
November 16, 2022	Filed - Other Lucas, Brendan Patrick Document Name: Intervenor Dominion Voting System, Inc's Notice of Adopiton of Sec. Post-Hearing Submission	Dominion Voting Systems, Inc.	Intervenor	
November 16, 2022	Filed - Other Carroll, Thomas J. Carroll, Thomas J. Carroll, Thomas J. Carroll, Thomas J. Document Name: Fulton County's Proposed Findings of Facts & Conclusions of Law	County of Fulton Fulton County Board of Elections Ulsh, Stuart L. Bunch, Randy H.	Petitioner Petitioner Petitioner Petitioner	

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
November 17, 2022	Order Filed Cohn Jubelirer, Renee			11/17/2022
	Document Name: The evidentiary record in this matter will close Friday, November 18, 2022 at 5:00 p.m.			
	Comment: NOW, November 17, 2022, the Special Master advises the parties that the evidentiary record in this matter will close on Friday, November 18, 2022, at 5:00 p.m. All motions requesting the admission of exhibit(s) must be filed with the Special Master no later than November 18, 2022, at 3:00 p.m. Answers to motions for admission must be filed with the Special Master no later than November 18, 2022, at 4:00 p.m. Further, it appears that, during the evidentiary hearing, the Special Master reserved ruling on the authenticity and admission of Secretary's Exhibit 1, which had been previously moved for admission and objected to on the basis that it was not authenticated. (11/9 Tr. at 142, 249; 11/10 Tr. at 25-26.) The Special Master directed the parties to address this issue in their post-hearing submissions. (11/14 Tr. at 72:4-16, 94:8-10, 14-15.) Respondent/Appellant (Secretary) addressed this issue in her "Post-Hearing Submission, Including Proposed Findings of Fact and Recommendations to the Supreme Court" (Secretary's Post-Hearing Submission) at pages 84-87. Petitioners/Appellees (Fulton County) failed to address this issue in its post-hearing filing. Accordingly, the Special Master hereby ORDERS that, for the reasons set forth in the Secretary's Post-Hearing Submission, the objection to authentication of Secretary's Exhibit 1 is OVERRULED. Secretary's Exhibit 1 is hereby admitted into the evidentiary record; however, the handwritten note at the bottom of Exhibit 1 is not admitted for the truth of the matter asserted therein, but for the limited purpose of the effect the handwritten note had on Commissioner Randy H. Bunch's and Commissioner Stuart L. Ulsh's state of mind.			
November 17, 2022	Transcript Filed Court Reporter			
	Document Name: Proceedings held November 4, 2022.			
November 17, 2022	Transcript Filed Court Reporter			
	Document Name: Proceedings held on November 14, 2022.			
November 17, 2022	Transcript Filed Court Reporter			
	Document Name: Proceedings held November 9, 2022.			
November 17, 2022	Transcript Filed Court Reporter			
	Document Name: Proceedings held November 10, 2022 (Unredacted/Sealed).			
November 17, 2022	Transcript Filed Court Reporter			
	Document Name: Proceedings held November 10, 2022 (Redacted/Public Copy).			
November 18, 2022	Application for Relief Wygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Document Name: Secretary's Application to Admit into Evidence the Key Access Log or For Discovery Sanctions			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
November 18, 2022	Answer Filed			
	Carroll, Thomas J.	County of Fulton	Petitioner	
	Carroll, Thomas J.	Fulton County Board of Elections	Petitioner	
	Carroll, Thomas J.	Ulsh, Stuart L.	Petitioner	
	Carroll, Thomas J.	Bunch, Randy H.	Petitioner	
Document Name: Fulton Co.'s Answer to Application for Admission and Other Assertions				

November 18, 2022	Order Granting Application for Relief			11/18/2022
	Cohn Jubelirer, Renee			
Document Name: Key Access Log Admitted into Evidentiary Record				
<p>Comment: NOW, November 18, 2022, upon consideration of Respondent/Appellant's (Secretary) Application to Admit into Evidence the Key Access Log Belatedly Produced by Petitioners[/Appellees (Fulton County)] or, in the Alternative, to Impose Discovery Sanctions (Application to Admit), and Fulton County's Answer thereto, which does not object to the Application to Admit on an evidentiary basis,¹ the Application to Admit is GRANTED.</p> <p>The "Dominion Election Equipment Sign in Sheet to Locked Room" attached as Exhibit 1 to the Secretary's Application to Admit, is admitted into the evidentiary record as Secretary's Exhibit 47.</p>				

1 To the extent there is any outstanding objection to the authenticity of the Key Access Log, the Special Master notes that: (1) Exhibit 1 to the Secretary's Application to Admit was produced in response to the Special Master's November 10, 2022 order requiring preservation, in its original form, of a key access log, as identified and described during Commissioner Paula J. Shives' testimony on November 9, 2022; and (2) Fulton County's Answer states that "[t]he log that Fulton County is allowed to and required by law to create and keep, respectively, was provided to counsel and to Your Honor." Fulton County's Answer at 8. For these reasons, the Special Master concludes that Exhibit 1 to the Secretary's Application to Admit, is authentic and admissible.

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
November 18, 2022	Order Filed Cohn Jubelirer, Renee			11/18/2022
	Document Name: Re: Application for Contempt of Special Master's Orders			
	Comment: NOW, November 18, 2022, upon consideration of Respondent/Appellant's (Secretary) Application for Discovery Sanctions and Incorporated Memorandum of Law, filed November 4, 2022 (Application for Discovery Sanctions), and the Secretary's Application for an Order Holding Petitioners/Appellees (Fulton County)] in Contempt and Imposing Sanctions for Violation of the Special Master's November 4, 2022 Order, filed November 7, 2022 (Application for Contempt of Special Master's Order), ¹ the Special Master hereby ORDERS as follows:			
	1. The Secretary's Application for Discovery Sanctions, which requests relief in the form of the Special Master taking certain facts as established, is dismissed as moot in light of the Special Master's Report and Recommendation.			
	2. The Secretary's Application for Contempt of Special Master's Order, which requests four forms of relief, is disposed of as follows:			
	(a) The Secretary's request that each matter of which an admission was requested in the Secretary's "Requests for Admissions" served on Fulton County on October 31, 2022, be deemed admitted is dismissed as moot in light of the Special Master's Report and Recommendation.			
	(b) The Secretary's request that Fulton County, Commissioner Stuart L. Ulsh, and Commissioner Randy H. Bunch (collectively, the Commissioners) be fined in the amount of \$1,000 per hour, until such time as the Commissioners appear for depositions, and the Special Master acknowledging that the Commissioners never appeared for their scheduled depositions, but did appear and present testimony before the Special Master on November 9, 2022 and November 14, 2022, respectively, the Secretary's request for hourly fines until such time as the Commissioners appear for depositions is denied.			
	(c) The Secretary's request that the Special Master issue a bench warrant for the attachment of the Commissioners to ensure their attendance at the evidentiary hearing, and the Commissioners having attended and testified at the evidentiary hearing, the Secretary's request for a bench warrant is dismissed as moot.			
	(d) The Secretary's request that the Special Master award costs and fees, including attorneys' fees, in connection with the scheduled depositions of Commissioners Stuart L. Ulsh, Randy H. Bunch, and Paula J. Shives, all of whom failed to appear despite the Special Master's November 4, 2022 Order compelling said depositions			
	2 is GRANTED. The Secretary shall submit documentation of these costs and fees, including attorneys' fees, within 20 days of the date of this Order.			
	1 By orders dated November 4, 2022, and November 8, 2022, the Special Master held the Secretary's above-referenced applications in abeyance pending the conclusion of the evidentiary hearing.			
	2 Paragraph 5 of the Special Master's November 4, 2022 Order, provides: "the Special Master hereby compels Fulton County to make the Commissioners available for deposition on November 7, and/or 8, 2022."			
November 18, 2022	Report Filed Cohn Jubelirer, Renee			11/18/2022
	Document Name: Special Master's Report Containing Proposed Findings of Fact and Recommendations - 3 MAP 2022			
November 21, 2022	Notice Commonwealth Court Filing Office			
	Document Name: 3 MAP2022 - Masters Report and Supporting Documents Forwarded to Supreme Court of PA, Middle District			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
December 6, 2022	Notice Commonwealth Court Filing Office Document Name: 3 MAP 2022-Supp. Rec to Masters Report & supporting record, sent to Supreme Court of PA, Middle Dis			
December 8, 2022	Application for Relief Wiygul, Robert Andrew Document Name: Secretary's Application for an Award of Costs and Fees	Secretary of the Commonwealth	Respondent	
December 29, 2022	Order Granting Application for Relief Cohn Jubelirer, Renee Document Name: Petitioners shall pay the Secretary Comment: NOW, December 29, 2022, upon consideration of Respondent/Appellant's (Secretary) Application for an Award of Deposition-Related Fees and Costs Pursuant to the Special Master's Order Dated November 4, 2022 (Application), it appears that the Application provides documentation of costs and fees, including attorneys' fees, incurred by the Secretary in connection with the scheduled depositions of Fulton County Commissioners Stuart L. Ulsh, Randy H. Bunch, and Paula J. Shives (the Commissioners), all of whom failed to appear despite the Special Master's November 4, 2022 Order compelling said depositions, which costs and fees the Special Master awarded to the Secretary in Paragraph 2(e) of the Special Master's November 18, 2022 Order. It further appears that Petitioners have not filed any answer or objection in response to the Application. Accordingly, and in consideration of the Special Master's November 18, 2022 order granting the Secretary's request for costs and fees, the Special Master hereby ORDERS that, within 30 days of the date of this Order, Petitioners (as defined in the above caption) shall pay the Secretary \$14,039.48 as compensation for expenses the Secretary incurred in connection with depositions of the Commissioners noticed by the Secretary and ordered by the Special Master. Payment shall be made payable to the Commonwealth of Pennsylvania.			12/29/2022
April 19, 2023	Opinion Supreme Court of Pennsylvania Document Name: 3 MAP 2022-Appeal Dismissed; Remanded with Directives; Partial Jurisdiction Retained.			
April 28, 2023	Order Filed Cohn Jubelirer, Renee Document Name: Directing Submissions Documenting Fees and Costs by May 30, 2023 and Status Report Comment: NOW, April 28, 2023, in accordance with the Pennsylvania Supreme Court's April 19, 2023 Opinion and Order in County of Fulton, et al v. Secretary of the Commonwealth, (Pa., No. 3 MAP 2022), the undersigned Special Master hereby ORDERS as follows: 1. No later than May 30, 2023, Appellant Secretary of the Commonwealth (Secretary) and Intervenor Dominion Voting Systems, Inc. (Dominion) shall file and serve submissions documenting legal fees and costs of litigation incurred between: (a) December 17, 2021, and April 12, 2022, and (b) April 13, 2022, and ongoing. The submissions shall append all relevant and necessary documentation relating to said fees and costs. 2. Appellees (collectively, Fulton County) shall file and serve a response, if any, to the Secretary's and Dominion's submissions within 30 days of service thereof. If no response is timely filed, the Secretary's and Dominion's submissions will be considered unopposed. 3. No later than May 30, 2023, the parties shall file a joint status report advising the Special Master of the status of the parties' discussions regarding the appointment of a neutral third-party escrow agent to take and retain possession of the voting equipment.			04/28/2023

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
May 30, 2023	Bill of Costs Lucas, Brendan Patrick	Dominion Voting Systems, Inc.	Intervenor	
	Document Name: Dominion Voting Systems, Inc.'s			
May 30, 2023	Joint Status Report Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Carroll, Thomas J.	County of Fulton	Petitioner	
	Carroll, Thomas J.	Ulsh, Stuart L.	Petitioner	
	Carroll, Thomas J.	Bunch, Randy H.	Petitioner	
	Carroll, Thomas J.	Fulton County Board of Elections	Petitioner	
	Boyer, Jacob Biehl	Secretary of the Commonwealth	Respondent	
	Gallagher, Shawn N.	Dominion Voting Systems, Inc.	Intervenor	
	Tucker, Joe H., Jr.	Secretary of the Commonwealth	Respondent	
May 30, 2023	Application for Relief Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Document Name: The Secretary's Application for Fees and Costs			
June 2, 2023	Order Filed Cohn Jubelirer, Renee			06/02/2023
	Document Name: Supplemental Application for Fees and Costs Due June 9, '23/ Status Report Due June 14, '23			
	Comment: NOW, June 2, 2023, upon consideration of the Secretary of the Commonwealth's (Secretary) Application for an Award of Fees and Costs Pursuant to the Special Master's Order Dated April 28, 2023 (Application), wherein the Secretary requests, inter alia, leave to file a supplemental application for fees and costs of litigation incurred between May 1, 2023, and May 30, 2023, which fees and costs were not reflected in the Application, that request is GRANTED. The Secretary shall file and serve a supplemental application, appending all relevant and necessary documentation relating to said fees and costs (Supplemental Application) no later than June 9, 2023. Appellees' (collectively, Fulton County) response, if any, to the Application, the Secretary's Supplemental Application, and Intervenor Dominion Voting Systems, Inc.'s Bill of Costs and Related Fees and Expenses, shall be due within 30 days of service of the Secretary's Supplemental Application. If no response is timely filed, the Secretary's and Dominion's submissions will be considered unopposed. In all other respects, the Court reserves ruling on the Application. Further, upon consideration of the Joint Status Report Addressing the Parties' Discussions Regarding Appointment of an Escrow Agent, wherein the parties represent that they require additional time to agree upon a third-party escrow agent and request leave to file an additional status report, that request is GRANTED. No later than June 14, 2023, the parties shall file a further joint status report advising the Special Master of the status of the parties' discussions regarding appointment of a third-party escrow agent.			
June 9, 2023	Application for Relief Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Document Name: Secretary's Supplemental Application for an Award of Fees and Costs			
June 13, 2023	Praecepte Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Document Name: Praecepte to Attach Amended Exhibit			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
June 14, 2023	Joint Status Report			
	Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Carroll, Thomas J.	County of Fulton	Petitioner	
	Carroll, Thomas J.	Ulsh, Stuart L.	Petitioner	
	Carroll, Thomas J.	Bunch, Randy H.	Petitioner	
	Carroll, Thomas J.	Fulton County Board of Elections	Petitioner	
	Fischer, Michael John	Secretary of the Commonwealth	Respondent	
	Gallagher, Shawn N. Tucker, Joe H., Jr.	Dominion Voting Systems, Inc. Secretary of the Commonwealth	Intervenor Respondent	
June 15, 2023	Order Filed			06/15/2023
	Cohn Jubelirer, Renee			
	Document Name: Prothonotary is directed to substitute exhibit attached to Praeipce			
	Comment: NOW, June 15, 2023, upon consideration of the Secretary of the Commonwealth's (Secretary) Praeipce to Attach Amended Exhibit to the Secretary's Supplemental Application for an Award of Fees and Costs Pursuant to the Special Master's Order Dated June 2, 2023 (Praeipce), the Prothonotary is directed to substitute the exhibit attached to the Praeipce in place of "Exhibit C" to the Affidavit of Robert A. Wiygul in support of the Secretary's Supplemental Application for an Award of Fees and Costs Pursuant to the Special Master's Order Dated June 2, 2023, filed June 9, 2023.			
June 15, 2023	Order Directing Further Status Report			06/15/2023
	Cohn Jubelirer, Renee			
	Document Name: Joint Status Report Due June 28, 2023			
	Comment: NOW, June 15, 2023 upon consideration of the Joint Status Report Addressing the Parties' Discussions Regarding Appointment of an Escrow Agent, wherein the parties represent that they require additional time to agree upon a third-party escrow agent and request leave to file an additional status report, that request is GRANTED. No later than June 28, 2023, the parties shall file a further joint status report advising the Special Master of the status of the parties' discussions regarding appointment of a third-party escrow agent.			
June 28, 2023	Joint Status Report			
	Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Carroll, Thomas J.	County of Fulton	Petitioner	
	Carroll, Thomas J.	Ulsh, Stuart L.	Petitioner	
	Carroll, Thomas J.	Bunch, Randy H.	Petitioner	
	Carroll, Thomas J.	Fulton County Board of Elections	Petitioner	
	Gallagher, Shawn N.	Dominion Voting Systems, Inc.	Intervenor	
June 29, 2023	Order Directing Further Status Report			06/29/2023
	Cohn Jubelirer, Renee			
	Document Name: Joint Status Report or Applications Due July 19, 2023			
	Comment: NOW, June 29, 2023, upon consideration of the Joint Status Report Addressing the Parties' Discussions Regarding Appointment of an Escrow Agent, wherein the parties request additional time to agree upon a third-party escrow agent, that request is GRANTED. No later than July 19, 2023, the parties shall file either 1) a joint status report identifying a third-party escrow agent upon which the parties have agreed, or 2) if the parties are unable to agree upon a third-party escrow agent, individual applications proposing the appointment of each party's preferred thirdparty escrow agent.			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
July 18, 2023	Application for Extension of Time to File Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Document Name: Secretary's Application for a Two Day Extension of Time to Submitt Filing Per June 29, '23 Order			
July 19, 2023	Order Granting Application for Extension of Time to File Cohn Jubelirer, Renee			07/19/2023
	Document Name: Joint Status Report or Individual Applications Due by July 28, 2023 No Further Extensions			
	Comment: NOW, July 19, 2023, upon consideration of the Secretary of the Commonwealth's (Secretary) Application for a Two-Day Extension of Time to Submit Filing Required by the Special Master's Order Dated June 29, 2023 (Application), wherein the Secretary represents that Intervenor Dominion Voting Systems, Inc. concurs in the Application, and that Appellees (collectively, Fulton County) do not oppose the Application but propose a nine-day extension of time, until July 28, 2023, to consider an alternative third-party escrow agent the Secretary first proposed to Fulton County on July 18, 2023, the Application is GRANTED for the nine-day period proposed by Fulton County. The parties shall continue to negotiate in good faith and, no later than July 28, 2023, the parties shall file either 1) a joint status report identifying a third-party escrow agent upon which the parties have agreed, or 2) if the parties are unable to agree upon a third-party escrow agent by that extended date, individual applications proposing the appointment of each party's preferred third-party escrow agent. Absent extraordinary circumstances, the Special Master will not grant further extensions of time for negotiation of a third-party escrow agent.			
July 21, 2023	Status Report Filed Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Document Name: Notice of Recent Developments Related to Sanctions Proceedings			
July 28, 2023	Application for Relief Lucas, Brendan Patrick	Dominion Voting Systems, Inc.	Intervenor	
	Document Name: Dominion Voting Systems, Inc.'s Application to Appoint Third Party Escrow Agent			
July 28, 2023	Application for Relief Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Document Name: Secretary's Application to Appoint Escrow Agent			
July 28, 2023	Praecipe Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Document Name: to Substitute			
July 28, 2023	Answer to Application for Relief Carroll, Thomas J. Carroll, Thomas J. Carroll, Thomas J. Carroll, Thomas J.	County of Fulton Fulton County Board of Elections Ulsh, Stuart L. Bunch, Randy H.	Petitioner Petitioner Petitioner Petitioner	
	Document Name: Fulton County's Response to Dominion's Application for Appointment of Escrow Agent			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
August 3, 2023	Hearing Scheduled Cohn Jubelirer, Renee			08/03/2023
	Document Name: August 28, 2023, 10:00am on Appointment of Escrow Agent / Filing Deadlines Scheduled			
	Comment: NOW, August 3, 2023, upon consideration of Respondent/Appellant's (Secretary) Application to Appoint Escrow Agent, Intervenor Dominion Voting Systems, Inc.'s Application to Appoint Third-Party Escrow Agent, and Petitioners/Appellees' (collectively, Fulton County) Response thereto, wherein the parties indicate that they are unable to agree on a neutral third-party escrow agent to take and retain possession of Fulton County's voting equipment as directed by the Supreme Court's April 19, 2023 Opinion, ¹ the Special Master hereby ORDERS as follows:			
	1. An evidentiary hearing for purposes of the Special Master's appointment of a neutral third-party escrow agent is set for Monday, August 28, 2023, at 10:00 a.m., in Courtroom Number 3001, Third Floor, Pennsylvania Judicial Center, 601 Commonwealth Avenue, Harrisburg, Pennsylvania. ² The parties shall appear at the hearing and be prepared to present evidence on their preferred escrow agent of choice, which shall include, but not be limited to, evidence on: (A) the preferred agent's experience and ability to ensure continuity in the chain of custody and the protection of the evidentiary value of Fulton County's voting equipment for the duration of the agent's custody over the equipment, and (B) the costs associated therewith. At the conclusion of the parties' evidentiary presentations, the Special Master will hear oral argument on any outstanding issues of law.			
	2. No later than Monday, August 14, 2023, the parties shall file and serve a list of all witnesses to be called at the hearing with a short offer of proof for each witness, the curriculum vitae and expert report for any expert witness, a list of exhibits, and a brief statement estimating the length of time for presentation of their respective evidence.			
	3. No later than Friday, August 18, 2023, the parties shall file and serve all prehearing applications, including, but not limited to, motions in limine and applications for admission pro hac vice, if any. Prehearing applications submitted after this deadline will not be considered. Absent a timely application for admission pro hac vice, counsel not admitted to practice in the Commonwealth of Pennsylvania will not be permitted to participate in the hearing or sit at counsel table.			
	4. The parties shall file and serve answers, if any, to all prehearing applications no later than Monday, August 21, 2023. Answers submitted after this deadline will not be considered.			
	5. No extensions or continuances of any of the above deadlines shall be granted absent extraordinary circumstances.			
	6. A decorum order shall be issued in due course.			
August 14, 2023	Filed - Other Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Document Name: The Secretary's Witness and Exhibit Lists			
August 14, 2023	Filed - Other Lucas, Brendan Patrick	Dominion Voting Systems, Inc.	Intervenor	
	Document Name: Dominion's Witness and Exhibit List			
August 15, 2023	Filed - Other Carroll, Thomas J.	County of Fulton	Petitioner	
	Carroll, Thomas J.	Fulton County Board of Elections	Petitioner	
	Carroll, Thomas J.	Ulsh, Stuart L.	Petitioner	
	Carroll, Thomas J.	Bunch, Randy H.	Petitioner	
	Document Name: County of Fulton's Witness List and Exhibits			

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August 16, 2023	Application for Relief Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Document Name: Application for Remote Testimony			
August 18, 2023	Application to be Admitted Pro Hac Vice Filed Carroll, Thomas J.	County of Fulton	Petitioner	
	Carroll, Thomas J.	Fulton County Board of Elections	Petitioner	
	Carroll, Thomas J.	Ulsh, Stuart L.	Petitioner	
	Carroll, Thomas J.	Bunch, Randy H.	Petitioner	
August 18, 2023	Filed - Other Lucas, Brendan Patrick	Dominion Voting Systems, Inc.	Intervenor	
	Document Name: Dominion's Objection to Fulton County's Witness List			
August 18, 2023	Application for Relief Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Document Name: The Secretary's Motion In Limine No. 1 to Exclude Witness Testimony			
August 18, 2023	Application for Relief Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Document Name: The Secretary's Motion In Limine No. 2 to Qualify Ryan Macias as an Expert			
August 18, 2023	Application for Relief Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Document Name: The Secretary's Motion In Limine No. 3 to Admit Certain Government Records into Evidence			
August 18, 2023	Filed - Other Carroll, Thomas J.	County of Fulton	Petitioner	
	Carroll, Thomas J.	Fulton County Board of Elections	Petitioner	
	Carroll, Thomas J.	Ulsh, Stuart L.	Petitioner	
	Carroll, Thomas J.	Bunch, Randy H.	Petitioner	
	Document Name: County of Fulton's Objection to Dominion's Witness List			
August 18, 2023	Application for Stay Carroll, Thomas J.	County of Fulton	Petitioner	
	Carroll, Thomas J.	Fulton County Board of Elections	Petitioner	
	Carroll, Thomas J.	Ulsh, Stuart L.	Petitioner	
	Carroll, Thomas J.	Bunch, Randy H.	Petitioner	
	Document Name: County of Fulton's Motion to Stay Proceedings			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
August 21, 2023	Order Denying Application to be Admitted Pro Hac Vice Cohn Jubelirer, Renee			08/21/2023
	Document Name: Application Denied Without Prejudice to File Amended Application conforming to Pa. R.C.P. by 8/22			
	Comment: NOW, August 21, 2023, upon consideration of the Motion to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing (Motion), requesting admission pro hac vice of Russell A. Newman, Esquire, filed by Thomas J. Carroll, Esquire, on behalf of Petitioners/Appellees, the Motion is DENIED without prejudice to file an amended motion for admission pro hac vice conforming to the Pennsylvania Rules of Civil Procedure.1 Any amended motion shall be filed no later than 12:00 noon on Tuesday, August 22, 2023.			
	1 The Special Master notes that the affidavit and attestation attached to the Motion, as required by Pa.R.Civ.P. 1012.1(b)(2), do not contain the actual signature of the candidate and sponsoring attorney. See Pa.R.Civ.P. 76 (defining Affidavit as "[a] statement in writing . . . signed by the person making it"). Further, the affidavit and attestation lack the required representations that they are "made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities." Pa.R.Civ.P. 76 (definition of Verified); see Pa.R.Civ.P. 1012.1(c) & (d)(2) (requiring "verified statements").			
August 21, 2023	Order Filed Cohn Jubelirer, Renee			08/21/2023
	Document Name: Pre-Hearing Telephone Conference Scheduled for Aug. 23, 2023, 1:00pm			
	Comment: NOW, August 21, 2023, a pre-hearing telephone conference is scheduled for Wednesday, August 23, 2023, at 1:00 p.m. Petitioners/Appellees (collectively, Fulton County) shall secure the services of a Court Reporter for the telephone conference. No later than 4:00 p.m. on Tuesday, August 22, 2023, Fulton County shall provide the Court Reporter's email and telephone number to CommCourtRemote@pacourts.us. The Court will contact counsel of record and the Court Reporter to confirm the call and to provide the call-in information.			
August 21, 2023	Answer to Application for Stay Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Document Name: Secretary's Answer to Motion to Stay Proceedings			
August 21, 2023	Answer Filed Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Document Name: Secretary's Answer to County of Fulton's Objection to Dominion's Witness List			
August 21, 2023	Answer Filed Carroll, Thomas J. Carroll, Thomas J. Carroll, Thomas J. Carroll, Thomas J.	County of Fulton Fulton County Board of Elections Ulsh, Stuart L. Bunch, Randy H.	Petitioner Petitioner Petitioner Petitioner	
	Document Name: County of Fulton's Answer to Dominion's Objection and Secretary's Motion In Limine 1			

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August 22, 2023	Application to be Admitted Pro Hac Vice Filed			
	Carroll, Thomas J.	County of Fulton	Petitioner	
	Carroll, Thomas J.	Fulton County Board of Elections	Petitioner	
	Carroll, Thomas J.	Ulsh, Stuart L.	Petitioner	
	Carroll, Thomas J.	Bunch, Randy H.	Petitioner	
	Document Name: Amended Motion for Russell Newman, Esq.			
August 22, 2023	Answer Filed			
	Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Document Name: Secretary's Answer to Amended Motion for Admission Pro Hac Vice			
August 22, 2023	Answer Filed			
	Lucas, Brendan Patrick	Dominion Voting Systems, Inc.	Intervenor	
	Document Name: Dominion's Objection to Application for Pro Hac Vice			
August 22, 2023	Order Filed			08/22/2023
	Cohn Jubelirer, Renee			
	Document Name: Order Denying Amended Motion to Appear Pro Hac Vice			
	Comment: NOW, August 22, 2023, the parties are advised that the purpose of the pre-hearing conference scheduled for Wednesday, August 23, 2023, at 1:00 p.m., is limited to discussing the necessity, if any, of a third-party escrow agent's expertise and experience specific to election security, as opposed to expertise and experience specific to the security of physical evidence held in the normal course of litigation.			
	Moreover, upon consideration of the Amended Motion to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing (Amended Motion), requesting admission pro hac vice of Russell A. Newman, Esquire (Attorney Newman), filed by Thomas J. Carroll, Esquire, on behalf of Petitioners/Appellees, and Respondent/Appellant's (Secretary) Answer in opposition thereto identifying further formal defects in the Amended Motion, the Amended Motion is DENIED without prejudice to file a second amended motion for admission pro hac vice conforming to the Pennsylvania Rules of Civil Procedure.			
	As Attorney Newman is not presently admitted pro hac vice to appear before the Special Master, he may attend, but not participate, in the pre-hearing conference scheduled for Wednesday, August 23, 2023, at 1:00 p.m.			
	Any second amended motion for admission pro hac vice shall be filed no later than 4:00 p.m. on August 23, 2023. The Special Master shall treat Intervenor Dominion Voting System's answer and the substantive arguments set forth in the Secretary's answer, both of which oppose the admission of Attorney Newman pro hac vice, as relating to the second amended motion, if filed.			
August 23, 2023	Application to be Admitted Pro Hac Vice Filed			
	Carroll, Thomas J.	County of Fulton	Petitioner	
	Carroll, Thomas J.	Fulton County Board of Elections	Petitioner	
	Carroll, Thomas J.	Ulsh, Stuart L.	Petitioner	
	Carroll, Thomas J.	Bunch, Randy H.	Petitioner	
	Document Name: 2nd AMENDED - Motion to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing			
	Comment: Receive Notices of Electronic Filing			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
August 23, 2023	Order Filed Cohn Jubelirer, Renee			08/23/2023
	Document Name: Order Denying Fulton County's Motion to Stay Proceedings			
	Comment: NOW, August 23, 2023, upon consideration of Petitioners/Appellees' (collectively, Fulton County) Motion to Stay Proceedings, and Respondent/Appellant's (Secretary) answer in opposition thereto, the Motion to Stay Proceedings is DENIED.			
	<p>Fulton County seeks a stay of the evidentiary hearing fixed for August 28, 2023, to determine a neutral third-party escrow agent to impound Fulton County's voting systems as directed by the Supreme Court of Pennsylvania in County of Fulton v. Secretary of the Commonwealth, 292 A.3d 974, 1020 (Pa. 2023) (Fulton I). Fulton County asks for a stay based on its filing of a Petition for Writ of Certiorari to the United States Supreme Court (No. 23-96, filed May 27, 2023), challenging the Pennsylvania Supreme Court's decision in Fulton I. However, Fulton County has cited no procedural rule or relevant authority to support its request for stay. Accordingly, the Special Master will proceed as directed by the Supreme Court of Pennsylvania, unless otherwise directed by the Supreme Court of the United States.</p>			
August 23, 2023	Order Filed Cohn Jubelirer, Renee			08/23/2023
	Document Name: Order Detailing Schedule of Evidentiary Hearing			
	Comment: NOW, August 23, 2023, the Special Master hereby ORDERS as follows:			
	<p>1. The evidentiary hearing for purposes of the Special Master's appointment of a neutral third-party escrow agent currently fixed for Monday, August 28, 2023, at 10:00 a.m. in Courtroom 3001, Third Floor, Pennsylvania Judicial Center, 601 Commonwealth Avenue, Harrisburg, Pennsylvania, is hereby RESCHEDULED to begin at 9:00 a.m. on the same date in the same place. If necessary, the hearing shall reconvene on Wednesday, August 30, 2023, at 9:00 a.m., and Thursday, August 31, 2023, at 9:00 a.m., in the same location.</p> <p>2. The parties are directed to serve all Notices to Attend and Subpoenas on their respective witnesses no later than Friday, August 25, 2023, in conformance with the Pennsylvania Rules of Civil Procedure. Notices to Attend and Subpoenas served prior to issuance of this Order, indicating that the evidentiary hearing would begin at 10:00 a.m. on Monday, August 28, 2023, need not be re-served to reflect the rescheduling set forth in Paragraph 1 above.</p> <p>3. Respondent/Appellant (Secretary) shall present its evidence and witness testimony beginning on Monday, August 28, 2023, and the parties shall endeavor to complete direct and cross examination of the Secretary's witnesses by the conclusion of this first day of the hearing.</p> <p>4. Petitioner/Appellees (collectively, Fulton County) shall present its evidence and witness testimony following conclusion of the Secretary's evidence. The parties shall endeavor to expeditiously complete direct and cross examination of Fulton County's witnesses.</p> <p>5. Fulton County is directed to retain the services of a court reporter for the evidentiary hearing. The court reporter shall be prepared for Court to be in session outside of normal Court hours. The court reporter shall provide a rough transcript to the Court and counsel at the conclusion of each day of the hearing and expedite preparation of a transcript following the conclusion of the hearing.</p>			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
August 23, 2023	Order Filed Cohn Jubelirer, Renee			08/23/2023
	Document Name: Order Granting M. Walker Leave to Testify Remotely			
	Comment: NOW, August 23, 2023, upon consideration of Respondent/Appellant's (Secretary) "Application for Michael Walker to Testify Remotely via Videoconference at the Evidentiary Hearing Scheduled for August 28, 2023" (Application), to which Petitioners/Appellees (collectively, Fulton County) "decline to agree" and to which Intervenor Dominion Voting Systems, LLC does not object, the Application is GRANTED.			
	Michael Walker shall appear to testify for the August 28, 2023 Hearing via WebEx Video Conferencing. Robert A. Wiygul, Esq. (Attorney Wiygul) shall provide Mr. Walker's email and telephone number to CommCourtRemote@pacourts.us within 24 hours of receiving this Order.			
August 23, 2023	Order Filed Cohn Jubelirer, Renee			08/23/2023
	Document Name: Order Granting Secretary's Motion in Limine No. 2			
	Comment: NOW, August 23, 2023, upon consideration of Respondent/Appellant's (Secretary) "Motion in Limine No. 2 (To Qualify Ryan Macias as an Expert in Election Technology and Security)" (Motion in Limine No. 2), to which no response has been filed, the Secretary's Motion in Limine No. 2 is GRANTED.			
	The Special Master previously admitted Mr. Macias as an expert in the fields of Election Technology and Security during the November 10, 2022 hearing. (11/10/22 Tr. 70:21-72:5.) The Special Master incorporates Mr. Macias's expert qualifications adduced at the November 10, 2022 hearing and the admitted exhibits referenced therein to the record of the evidentiary hearing fixed for August 28, 2023. (11/10/22 Tr. 27:15-72:12.) Accordingly, Mr. Macias may offer expert testimony in the fields of Election Technology and Security during the August 28, 2023 hearing without need for further qualification.			
August 23, 2023	Order Filed Cohn Jubelirer, Renee			08/23/2023
	Document Name: Order Granting Secretary's Motion in Limine No. 3			
	Comment: NOW, August 23, 2023, upon consideration of Respondent/Appellant's (Secretary) "Motion in Limine No. 3 (to Admit Certain Government Records Into Evidence)" (Motion in Limine No. 3), to which no response has been filed, the Secretary's Motion in Limine No. 3 is GRANTED.			
	The following pre-marked exhibits, as identified on the Secretary's August 14, 2023 Exhibit List, are self-authenticating pursuant to Pennsylvania Rule of Evidence 902(5) and are hereby admitted into evidence of record of the August 28, 2023 hearing:			
	<input type="checkbox"/> Secretary's Exhibit 2 <input type="checkbox"/> Secretary's Exhibit 6 <input type="checkbox"/> Secretary's Exhibit 7 <input type="checkbox"/> Secretary's Exhibit 8 <input type="checkbox"/> Secretary's Exhibit 9 <input type="checkbox"/> Secretary's Exhibit 10 <input type="checkbox"/> Secretary's Exhibit 11 <input type="checkbox"/> Secretary's Exhibit 12 <input type="checkbox"/> Secretary's Exhibit 15 <input type="checkbox"/> Secretary's Exhibit 16 <input type="checkbox"/> Secretary's Exhibit 17 <input type="checkbox"/> Secretary's Exhibit 18			



DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
August 24, 2023	Order Granting Application to be Admitted Pro Hac Vice Cohn Jubelirer, Renee			08/24/2023

Document Name: Atty. Russell Newman for Fulton County Petitioners

Comment: NOW, August 24, 2023, upon consideration of Thomas J. Carroll, Esquire's (Attorney Carroll) Second Amended Motion to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing (Second Amended Motion), and Respondent/Appellant's (Secretary) and Intervenor Dominion Voting Systems, LLC's (Dominion) answers in opposition thereto,1 the Second Amended Motion is GRANTED. The Special Master hereby ORDERS as follows:

1. Russell Newman, Esquire (Attorney Newman) is admitted pro hac vice to the bar of the Commonwealth of Pennsylvania under Pennsylvania Bar Admission Rule 301, as co-counsel on behalf of Petitioners/Appellees (collectively, Fulton County) in this matter;
2. Attorney Newman shall abide by the rules of this Court including all disciplinary rules;
3. Attorney Newman shall immediately notify this Court of any matter affecting his standing at the bar of any other court where he may be admitted to practice; and,
4. Attorney Carroll, the moving attorney herein, shall continue to be responsible as counsel of record for the conduct of this matter on behalf of Fulton County.

1 The Secretary notes, and Dominion asserts, that good cause exists for denying Russell Newman, Esquire (Attorney Newman) to appear pro hac vice in the instant proceedings, citing Pennsylvania Rule of Civil Procedure 1012.1(e)(1) and (2). The rule, inter alia, provides:

(e) The court shall grant the motion unless the court, in its discretion, finds good cause for denial.

Note: Good cause may include one or more of the following grounds:

- (1) the admission may be detrimental to the prompt, fair and efficient administration of justice,
- (2) the admission may be detrimental to legitimate interests of the parties to the proceedings other than the client whom the candidate proposes to represent[.]

Pa.R.Civ.P. 1012.1(e)(1), (2). Both the Secretary and Dominion detail and raise concerns regarding Attorney Newman's past litigation history, and question whether his admission would promote the prompt, fair, and efficient administration of justice in the instant proceedings. Dominion also questions Attorney Carroll's fitness to provide the supervision required of a sponsoring attorney as contemplated in Rule 1012.1(d), Pa.R.Civ.P. 1012.1(d), citing the Supreme Court of Pennsylvania's conclusions regarding Attorney Carroll's conduct during the November 2022 contempt hearing held before the Special Master. County of Fulton v. Secretary of the Commonwealth, 292 A.3d 974, 1016 (Pa. 2023) ("Attorney Carroll frequently derailed and delayed the proceedings through a combination of dubious objections, lines of questioning on irrelevant subjects, and legal digressions and conspiratorial hypotheses with little bearing upon the matter at hand.").

Following thoughtful consideration of the Second Amended Motion, and the Secretary's and Dominion's answers in opposition thereto, the Special Master declines to find that good cause exists to deny Attorney Newman pro hac vice admission. The Special Master expects, and will require, Attorney Carroll to vigorously fulfill his duties as sponsor, and Attorney Newman to abide by the rules of this Court.

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
August 24, 2023	Memorandum and Order Cohn Jubelirer, Renee			08/24/2023
	Document Name: Pets.' Objection to Dominion's Witness List is GRANTED in part & DENIED w/o prejudice.			
	Comment: NOW, August 24, 2023, upon consideration of Petitioners/Appellees' (collectively, Fulton County) "Objection to Dominion Voting System [sic], Inc.'s Witness List," which filing the Special Master will treat as a motion in limine (Motion), and Respondent/Appellant's (Secretary) Answer in opposition thereto, the Motion is GRANTED in part.			
	In all other respects, including to the extent that the Motion seeks to preclude all testimony by the Fulton County Witnesses, the Motion is DENIED without prejudice to Fulton County to raise any objections to specific testimony elicited in the course of the evidentiary hearing.			
August 24, 2023	Memorandum and Order Cohn Jubelirer, Renee			08/24/2023
	Document Name: Intervenor's Objection to Fulton County's Witness List is DENIED.			
	Comment: NOW, August 24, 2023, upon consideration of Intervenor Dominion Voting Systems, Inc.'s (Dominion) "Objection to Fulton County's Witness List," which filing the Special Master will treat as a motion in limine (Motion), and Petitioners/Appellees' (collectively, Fulton County) "Consolidated Response to Dominion's Objections and the Secretary's Motion in Limine No. 1" in opposition thereto, the Motion is DENIED.			

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August 24, 2023	Memorandum and Order Cohn Jubelirer, Renee			08/24/2023
	Document Name: Resp.'s Motion in Limine No. 1 is GRANTED in part & DENIED in part.			
	Comment: NOW, August 24, 2023, upon consideration of Respondent/Appellant's (Secretary) "Motion in Limine No. 1 (to Exclude the Witness Testimony Proffered by Petitioners and Preclude Vexatious, Obdurate, Dilatory, and Bad-Faith Litigation Conduct)" (Motion in Limine No. 1) and Petitioners/Appellees' (collectively, Fulton County) "Consolidated Response to Dominion's Objections and the Secretary's Motion in Limine No. 1" in opposition thereto, Motion in Limine No. 1. is GRANTED in part and DENIED in part as follows with respect to the evidentiary hearing scheduled to begin on August 28, 2023:			
	<p>1. To the extent that Motion in Limine No. 1 requests exclusion of all of Fulton County's proffered testimony on the basis that Fulton County's witness and exhibit list was untimely filed, Motion in Limine No. 1 is DENIED. The Special Master's August 3, 2023 Order directed that all lists of witnesses and exhibits be filed on August 14, 2023. Fulton County's witness and exhibit list was filed at 12:31 a.m. on August 15, 2023. Given the de minimis untimeliness, and whereas the Secretary does not identify any prejudice therefrom, the Special Master declines to exclude all of Fulton County's proffered testimony on this basis.</p> <p>2. To the extent that Motion in Limine No. 1 requests the exclusion of any expert testimony of Ryan Macias that Fulton County proposes to elicit after calling Mr. Macias on direct examination on Fulton County's behalf, Motion in Limine No. 1 is GRANTED. It is ORDERED that Fulton County shall not be permitted to call Mr. Macias as an expert witness on behalf of Fulton County. See <i>Evans v. Otis Elevator Co.</i>, 168 A.2d 573, 580 (Pa. 1961) (stating that expert witnesses have the "right and privilege not to testify as [an opposing party's] opinion or expert witness"); <i>Richardson v. LaBuz</i>, 474 A.2d 1181, 1195 (Pa. Cmwlth. 1984) (quoting <i>Evans</i>, 168 A.2d at 580, and stating that "an expert witness has a right and privilege not to testify for the opposition"); see also <i>Columbia Gas Transmission Corp. v. Piper</i>, 615 A.2d 979, 984 (Pa. Cmwlth. 1992) (en banc) (noting that each party is free "to obtain its own expert opinion" and to "present its own expert witnesses").</p> <p>3. In all other respects, Motion in Limine No. 1 is DENIED without prejudice to the Secretary to raise any objections to specific witnesses called or specific testimony elicited in the course of the evidentiary hearing.</p>			
August 25, 2023	Application for Relief Carroll, Thomas J.	County of Fulton	Petitioner	
	Carroll, Thomas J.	Fulton County Board of Elections	Petitioner	
	Carroll, Thomas J.	Ulsh, Stuart L.	Petitioner	
	Carroll, Thomas J.	Bunch, Randy H.	Petitioner	
	Document Name: Fulton County's Application for Witnessess to Testify Remotely August 28, 2023			
August 25, 2023	Application for Relief Carroll, Thomas J.	County of Fulton	Petitioner	
	Carroll, Thomas J.	Fulton County Board of Elections	Petitioner	
	Carroll, Thomas J.	Ulsh, Stuart L.	Petitioner	
	Carroll, Thomas J.	Bunch, Randy H.	Petitioner	
	Document Name: Fulton County's Amended Application for Witness to Testify Remotely August 28, 2023			
August 25, 2023	Answer to Application for Relief Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Document Name: Secretary's Combined Response to Amended App for Remote Testimony and Cross App to Strike			

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August 25, 2023	Application to Quash Gallagher, Shawn N. Goldman, Kathleen Jones	Dominion Voting Systems, Inc. Dominion Voting Systems, Inc.	Intervenor Intervenor	
	Document Name: Intervenor's			
August 25, 2023	Order Denying Application for Relief Cohn Jubelirer, Renee			08/25/2023
	Document Name: Amended Application for Remote Testimony is Untimely filed and lacks...reasons...is Denied			
	<p>Comment: NOW, August 25, 2023, upon consideration of Petitioner/Appellees' (collectively, Fulton County) Amended Application for Permission for Petitioners' Witnesses to Testify Remotely Via Videoconference at the Evidentiary Hearing Scheduled for August 28, 2023 (Amended Application for Remote Testimony),¹ and Respondent/Appellant's (Secretary) response thereto, the Special Master finds that the Amended Application for Remote Testimony is untimely filed</p> <p>2 and lacks particularized reasons necessitating remote testimony and is therefore DENIED.</p> <p>Fulton County is reminded that it must comply with Paragraph 2 of the Special Master's August 23, 2023 Order, which directed the parties, inter alia, "to serve all Notices to Attend and Subpoenas on their respective witnesses no later than Friday, August 25, 2023, in conformance with the Pennsylvania Rules of Civil Procedure." Special Master's Order, 8/23/2023, ¶ 2. Fulton County's Notices to Attend and Subpoenas shall direct its witnesses to appear in person for the evidentiary hearing.</p> <p>Upon further review of the Secretary's Combined Response to Petitioners' Amended Application to Present Remote Testimony and Cross-Application to Strike New Affidavit of Benjamin Cotton, the Special Master will hear oral argument on the Application to Strike the August 24, 2023 Affidavit of Benjamin Cotton upon commencement of the hearing fixed for Monday, August 28, 2023, at 9:00 a.m.</p>			
	<p>1 At 10:47 a.m. on August 25, 2023, Fulton County filed an "Application for Permission for Benjamin Cotton and Joseph J. Serbia, Jr., to Testify Remotely Via Videoconference at the Evidentiary Hearing Scheduled for August 28, 2023" (First Application for Remote Testimony). At 12:15 p.m. on the same day, Fulton County filed the Amended Application for Remote Testimony, seeking an order allowing all its witnesses to testify remotely. As the relief requested in the First Application for Remote Testimony is subsumed by the Amended Application for Remote Testimony, the First Application for Remote Testimony is DISMISSED as moot.</p>			
	<p>2 The Special Master's order of August 3, 2023, ordered the parties to file and serve all prehearing applications no later than Friday, August 18, 2023, and specifically stated that "[p]rehearing applications submitted after this deadline will not be considered." Special Master's Order, 8/3/2023, ¶ 3 (emphasis added). Fulton County's Amended Application for Remote Testimony is thus untimely.</p>			
August 28, 2023	Application for Emergency Relief Carroll, Thomas J. Carroll, Thomas J. Carroll, Thomas J. Carroll, Thomas J.	County of Fulton Fulton County Board of Elections Ulsh, Stuart L. Bunch, Randy H.	Petitioner Petitioner Petitioner Petitioner	
	Document Name: Emergency Motion to Adjourn Proceedings			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
August 28, 2023	Order Denying Application for Emergency Relief Cohn Jubelirer, Renee			08/28/2023
	Document Name: Emergency Motion to Adjourn is Denied / Evidentiary Hearing shall Reconvene at 1:00pm Aug. 28, '23			
	Comment: NOW, August 28, 2023, upon consideration of Petitioner/Appellant's (collectively, Fulton County) Emergency Motion to Adjourn Proceedings (Motion) requesting an emergency stay of the scheduled August 28, 2023 evidentiary hearing, the Motion is DENIED and the Special Master hereby ORDERS as follows:			
	<p>1. The evidentiary hearing for purposes of the Special Master's appointment of a neutral third-party escrow agent currently fixed for Monday, August 28, 2023, at 9:00 a.m. in Courtroom 3001, Third Floor, Pennsylvania Judicial Center, 601 Commonwealth Avenue, Harrisburg, Pennsylvania, shall RECONVENE at 1:00 p.m. today, August 28, 2023, in the same place.</p> <p>2. Attorney Thomas J. Carroll (Attorney Carroll) may attend and participate in the evidentiary hearing via WebEx Video Conferencing (WebEx). The Special Master notes that the Motion does not contain any direct representation that Attorney Carroll's present medical conditions prevent his participation in the evidentiary hearing other than that Attorney Carroll "was prescribed . . . medication [with] warnings to not drive or operate machinery while taking it." Motion ¶ 3.</p> <p>3. Attorney James M. Stein, who is presently counsel of record representing Fulton County, may attend the evidentiary hearing in person or remotely via WebEx.</p> <p>4. The County may direct any attorney licensed to practice in the Commonwealth of Pennsylvania to enter an appearance in this matter and appear at the evidentiary hearing. Counsel unable to attend the evidentiary hearing in person may appear via WebEx. Counsel intending to appear via WebEx shall immediately provide their email address and telephone number to CommCourtRemote@pacourts.us, Bridget.Holbein@pacourts.us and Paul.Ritchey@pacourts.us.</p> <p>5. Fulton County's attorney(s) chosen pursuant to Paragraph 2, 3, or 4 of this Order is directed to join the hearing 15 minutes before the starting time. To facilitate participation in the hearing, various WebEx applications are available for download at pacourts.webex.com. Please see Protocol for WebEx Video Hearings, attached to this Order. In the event of technical difficulties, the attorney may contact the Court's IT staff at 717-255-1626. The Court will immediately send Attorney Stein and Attorney Carroll WebEx invitations in the event they participate in the hearing remotely.</p> <p>6. The evidentiary hearing shall proceed at 1:00 p.m. as scheduled and, if no Pennsylvania counsel are able to attend on behalf of Fulton County, the Special Master will expect Attorney Russell M. Newman, who was admitted pro hac vice on August 24, 2023, to fully represent Fulton County during the hearing. See Pa.R.Civ.P. 1012.1(d)(2) ("Upon [pro hac vice admission] being granted, the sponsor. . . shall attend all proceedings before the court unless excused by the court."). See also Cty. of Fulton v. Sec. of Commonwealth, 292 A.3d 974, 991 n.69 (Pa. 2023) (Fulton County I).1 Counsel admitted to practice in Pennsylvania may enter an appearance on behalf of Fulton County at any time during the evidentiary hearing.</p>			
August 28, 2023	Filed - Other County of Fulton Fulton County Board of Elections Ulsh, Stuart L. Bunch, Randy H.		Petitioner Petitioner Petitioner Petitioner	
	Document Name: 3 MAP 2022 / Emergency Application for Stay Upon Special Masters Denial of Same			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
August 29, 2023	Order Filed Cohn Jubelirer, Renee			08/29/2023
	Document Name: The New Affidavit of Benjamin Cotton is Stricken as Untimely Filed Comment: NOW, August 29, 2023, following oral argument on Respondent/Appellant's (Secretary) Cross-Application to Strike New Affidavit of Benjamin Cotton (Application to Strike), and Petitioners/Appellees' (collectively, Fulton County) having attached a new affidavit from its expert, Benjamin Cotton, to "Fulton County's Amended Application for Permission for Petitioner's Witness to Testify Remotely Via Videoconference at the Evidentiary Hearing Scheduled for August 28, 2023," filed on August 25, 2023, eleven days after the deadline for the submission of expert reports as set forth in Paragraph 2 of the Special Master's August 3, 2023 Order, the new affidavit from Benjamin Cotton is STRICKEN as untimely filed. See Pa.R.Civ.P. 4003.5.			
August 31, 2023	Order Filed Supreme Court of Pennsylvania			08/31/2023
	Document Name: 3 MAP 2022-County of Fulton's Emergency Applications are DENIED.			
September 5, 2023	Objections Carroll, Thomas J. Carroll, Thomas J. Carroll, Thomas J. Carroll, Thomas J.	County of Fulton Fulton County Board of Elections Ulsh, Stuart L. Bunch, Randy H.	Petitioner Petitioner Petitioner Petitioner	
	Document Name: Fulton County's Closing Arguments and Objections			
September 6, 2023	Objections Carroll, Thomas J. Carroll, Thomas J. Carroll, Thomas J. Carroll, Thomas J.	County of Fulton Fulton County Board of Elections Ulsh, Stuart L. Bunch, Randy H.	Petitioner Petitioner Petitioner Petitioner	
	Document Name: Corrected Fulton County's Closing Arguments and Objections			
September 12, 2023	Transcript Lodged Court Reporter			
	Document Name: From hearing 8/28/2023			
September 12, 2023	Transcript Lodged Court Reporter			
	Document Name: From Hearing 8/30/2023			
September 12, 2023	Transcript Lodged Court Reporter			
	Document Name: From hearing 8/31/2023			

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
September 15, 2023	Memorandum Opinion Filed Cohn Jubelirer, Renee			09/15/2023
	Document Name: Preliminary Appointment Order			



DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
	<p>Comment: NOW, September 15, 2023, following the evidentiary hearing for purposes of the Special Master's appointment of a neutral third-party escrow agent, as ordered by the Pennsylvania Supreme Court, and in accordance with the foregoing opinion, the Special Master hereby conditionally appoints Pro V&V to serve as escrow agent of the Voting Equipment at issue. Final appointment of Pro V&V as escrow agent will proceed as follows, and is subject to the following conditions:</p> <p>1. No later than September 29, 2023, the Secretary shall file and serve a Proposed Final Appointment Order executed by Pro V&V1 that includes all terms relating to the escrow arrangement,2 which must include, without limitation, the following terms, and which may also include any other terms the Secretary and Pro V&V consider to be necessary or appropriate regarding the escrow arrangement3:</p> <p>a. Access Limitations. Before taking possession of the Voting Equipment, Pro V&V shall designate a laboratory at its facility in which the Voting Equipment shall be stored (Escrow Room). Upon taking possession of the Voting Equipment, Pro V & V shall not permit any access to the Escrow Room except as follows:</p> <p>i. Singular Personnel Access. Pro V&V shall restrict access to the Escrow Room to only Michael Walker, who shall retain sole possession of the key or other means of access to the Escrow Room. In the event of Mr. Walker's unavailability, Pro V&V may file a motion with the Court proposing to substitute another Pro V&V employee to temporarily retain sole access, including the dates of the proposed substituted access, to the Escrow Room.</p> <p>ii. Acts of God; Facilities Emergency. Mr. Walker, or another Pro V&V Employee designated pursuant to Paragraph 1(a)(i) above, may enter the Escrow Room to respond to acts of God, leaks, fires, or other emergency conditions that require immediate access in order to preserve the Voting Equipment.</p> <p>iii. Election Assistance Commission Site Visits. Pro V&V may continue to allow EAC personnel to enter its facility as required for accreditation or audit purposes, but Pro V&V shall not permit EAC personnel to enter the Escrow Room without prior order of Court.</p> <p>iv. Emergency Notification to Court. If access to the Escrow Room must be granted pursuant to Paragraphs 1(a)(ii) or 1(a)(iii) of this Order, or in a manner not contemplated in this Order, Pro V&V shall immediately notify the Court of such access or impending access via email to CCFCEscrow@pacourts.us copying all counsel of record in this matter, and shall then promptly file a formal motion with the Court explaining the same.</p> <p>b. Monitoring. Before taking possession of the Voting Equipment, Pro V&V shall install a surveillance or security camera in the Escrow Room (Camera). Once the Voting Equipment is moved to the Escrow Room, Pro V&V shall maintain the Camera in a functional state and trained on the Voting Equipment and its</p>			

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	<p>immediate surroundings until otherwise ordered. [[The Secretary and Pro V&V shall, if practicable, include terms requiring the video from the Camera to be 1) continuously transmitted to the parties and the Court, in a manner that could be viewed remotely, 2) recorded and retained, either for a period of time or for the duration of the escrow arrangement; and 3) associated with motion detection technology and the ability to send automated notice and/or video footage to the parties and the Court if a person enters the Escrow Room.]]4</p> <p>c. Transfer of Possession.5 Pro V&V shall arrange to take possession of the Voting Equipment from its present location in Fulton County and shall directly and continuously transport the Voting Equipment to Pro V&V's facility at 6705 Odyssey Drive NW, Huntsville, AL, 35806. The parties' counsel, experts, and Fulton County personnel are permitted to be present and observe pickup of the Voting Equipment in Fulton County by Pro V&V.</p> <p>d. Price. [[The parties shall supply terms regarding the price of the escrow services and the time and manner of payment, and regarding which person(s) are liable for payment.]]</p> <p>e. Consent to Jurisdiction; Entry of Appearance. Pro V&V consents to the jurisdiction of the Pennsylvania Courts with respect to the Voting Equipment. Within 30 days after entry of this Order, counsel for Pro V&V shall enter an appearance in the Pennsylvania Commonwealth Court in the above-captioned matter, so that the Court may appropriately communicate with counsel for Pro V&V directly.</p> <p>2. Within seven (7) days of the Secretary's filing of the Proposed Final Appointment Order, any party may file and serve a response thereto. Responses received after the seven (7) day deadline will not be considered.</p> <p>3. The Secretary and/or Pro V&V may file a reply, if any, within three (3) days of any parties' timely filed response. Further, Dominion's Application to Quash is DISMISSED as moot for the reasons set forth in the accompanying Opinion.</p>			
September 15, 2023	Praecipe for Withdrawal of Appearance Hill, John Brent	Secretary of the Commonwealth	Respondent	
	Document Name: Atty Hill for Secretary of the Commonwealth			
September 29, 2023	Application for Extension of Time to File Wiygul, Robert Andrew Goldman, Kathleen Jones	Secretary of the Commonwealth Dominion Voting Systems, Inc.	Respondent Intervenor	
	Document Name: Joint Application for Extension of Time to Submit Final Appointment Order			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
October 2, 2023	Order Granting Application for Extension of Time to File Cohn Jubelirer, Renee			10/02/2023
	Document Name: The Secretary shall file Proposed Final Appointment Order by Oct. 10, 2023 Comment: NOW, October 2, 2023, upon consideration of the Joint Application for an Extension of Time to Submit Proposed Final Appointment Order (Application) filed by Respondent/Appellant (Secretary) and Intervenor Dominion Voting Systems, Inc., the Application is GRANTED. On or before October 10, 2023, the Secretary shall file and serve the Proposed Final Appointment Order required by the Special Master's September 15, 2023 Preliminary Appointment Order			
October 3, 2023	Exhibit Commonwealth Court of Pennsylvania			
	Document Name: August 28, 2023 Evidentiary Hearing.			
October 10, 2023	Entry of Appearance Weinstein, Hillary Berliner	Secretary of the Commonwealth	Respondent	
	Document Name: Attorney Hillary Weinstein for Respondent			
October 10, 2023	Application for Relief Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Document Name: The Secretary's (Respondent's) Application to Enter Proposed Final Appointment Order			
October 17, 2023	Answer Filed Carroll, Thomas J.	County of Fulton	Petitioner	
	Carroll, Thomas J.	Fulton County Board of Elections	Petitioner	
	Carroll, Thomas J.	Ulsh, Stuart L.	Petitioner	
	Carroll, Thomas J.	Bunch, Randy H.	Petitioner	
	Document Name: Fulton Co.'s Response to Secretary's Proposed Final Order			
October 20, 2023	Answer Filed Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Document Name: Secretary's Reply in Further Support of Application to Enter Proposed Final Appointment Order			
October 27, 2023	Memorandum and Order Cohn Jubelirer, Renee			10/27/2023
	Document Name: Secretary's Application to Enter Proposed Final Appointment Order is GRANTED. Comment: NOW, October 27, 2023, upon consideration of Respondent/Appellant's (Secretary) Application to Enter Proposed Final Appointment Order (Application), Petitioners/Appellees' (collectively Fulton County or County) response, and the Secretary's further reply, the Secretary's Application is GRANTED as modified in the Special Master's October 27, 2023 Final Appointment Order.			
October 27, 2023	Order Filed Cohn Jubelirer, Renee			10/27/2023
	Document Name: Final Appointment Order / Pro V&V, Inc. is finally appointed to serve as escrow agent. Comment: See Order Filed			
November 8, 2023	Entry of Appearance Woods, Corrie Allen	Pro V&V, Inc.	Other	
	Document Name: for Corrie Woods			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
November 10, 2023	Compliance with Order Pro V&V, Inc.		Other	
	Document Name: Compliance with Court's Order of Oct. 27, 2023			
November 28, 2023	Praecipe for Withdrawal of Appearance Mavroudis, Dimitrios	Secretary of the Commonwealth	Respondent	
	Document Name: Atty Mavroudis for Secretary of the Commonwealth			
December 14, 2023	Status Report Filed Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Document Name: The Secretary's Notice to the Special Master Re Status of Arrangements to Transfer Voting Equipment			
December 19, 2023	Order Filed Cohn Jubelirer, Renee			12/19/2023
	Document Name: Parties' Dispositive Motions are Due Jan. 26, 2024 and Responses Due Feb. 26, 2024			
	Comment: NOW, December 19, 2023, upon review of Petitioners' Amended Petition for Review (Petition), Respondent's Answer and New Matter, and Petitioner's Answer, and the Court having overruled Respondent's Preliminary Objections to the Petition, see Cnty. of Fulton v. Sec'y of the Commonwealth, 276 A.3d 846, 862 (Pa. Cmwlth. 2022), it is hereby ORDERED that on or before January 26, 2024, the parties shall file and serve any dispositive motions (including for partial disposition) and briefs in support thereof. Responses to dispositive motions and briefs in opposition thereto shall be filed and served by February 26, 2024. Any reply briefs shall be filed and served by March 11, 2024. Any party not filing a dispositive motion shall instead file a status report indicating why no such motion can be filed and proposing a discovery schedule. Following the parties' filings the Court will enter an appropriate order regarding oral argument on dispositive motions filed or scheduling a status conference if necessary.			
December 29, 2023	Status Report Filed Woods, Corrie Allen	Pro V&V, Inc.	Other	
	Document Name: Pro V&V, Inc.'s Status Report			
December 29, 2023	Application for Relief Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Document Name: The Secretary's Application Regarding the Date to Transfer Custody of Voting Equipment			
January 2, 2024	Order Filed Cohn Jubelirer, Renee			01/02/2024
	Document Name: Answer to App. Regarding Date to Transfer Voting Equipment Due Jan. 4, 2023			
	Comment: NOW, January 2, 2024, Petitioners' answer, if any, to Respondent's Application Regarding the Date to Transfer Custody of Voting Equipment shall be filed on or before Thursday, January 4, 2024.			
January 4, 2024	Application for Extension of Time to File Carroll, Thomas J.	County of Fulton	Petitioner	
	Carroll, Thomas J.	Fulton County Board of Elections	Petitioner	
	Carroll, Thomas J.	Ulsh, Stuart L.	Petitioner	
	Carroll, Thomas J.	Bunch, Randy H.	Petitioner	
	Document Name: Petitioner's Motion for Extension of Time to File Answer to Application Regarding Date of Transfer			

Miscellaneous Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 277 MD 2021

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July 16, 2024



DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
January 5, 2024	Order Filed Cohn Jubelirer, Renee			01/05/2024
	Document Name: Application for Extension of Time Granted in Part / Answer Due Jan. 8, 2024, 12:00pm			
	Comment: NOW, January 5, 2024, upon consideration of Petitioners' Motion for an Extension of Time to Respond (Motion) to the Secretary's Application Regarding the Date to Transfer Custody of Voting Equipment (Application), and whereas Respondent and Intervenor Dominion Voting Systems, Inc., oppose the Motion, the Motion is GRANTED in part only. Petitioners' answer to Respondent's Application shall be filed no later than 12:00 noon on Monday, January 8, 2024.1 No further extension requests will be considered.			
	1 In correspondence with counsel, Petitioners requested an extension until January 10, 2024, though Petitioners do not propose a specific date in the Motion. See Motion, Attachment 1. Per the Special Master's October 27, 2023 Final Appointment Order, transfer of the voting equipment is to occur on or before January 11, 2024, unless modified pursuant to the Respondent's Application. Accordingly, the Special Master grants only a limited extension of time.			
January 8, 2024	Application for Extension of Time to File			
	Carroll, Thomas J.	County of Fulton	Petitioner	
	Carroll, Thomas J.	Fulton County Board of Elections	Petitioner	
	Carroll, Thomas J.	Ulsh, Stuart L.	Petitioner	
	Carroll, Thomas J.	Bunch, Randy H.	Petitioner	
	Document Name: Petitioner's Second Emergency Motion for Extension of Time to Respond to Secretary's Application			
January 9, 2024	Order Filed Cohn Jubelirer, Renee			01/09/2024
	Document Name: Emergency Application for Extension of Time is Denied/ Transfer Date is No Later than 1/19/24			
	Comment: NOW, January 9, 2024, upon consideration of Petitioners' "Second Emergency Motion for an Extension of Time to Respond to the Secretary[of the Commonwealth's (Secretary)] Application Regarding the Date to Transfer Custody of Voting Equipment [(Application)]"(Second Emergency Motion) and whereas the Special Master's January 5, 2024 Order, granting to the greatest extent practicable Petitioner's first motion for an extension of time to file a response to the Secretary's Application, explained the time-sensitive nature of the Application and stated that "[n]o further extension requests will be considered,"1 the Second Emergency Motion is DENIED. Further, the Secretary's Application, to which no Answer was filed within the time directed by the Special Master's January 5, 2024 Order, is GRANTED and it is hereby ORDERED that the first two sentences of Paragraph 2.1 of the Special Master's October 27, 2023 Final Appointment Order (Final Appointment Order) are stricken and are replaced with the following: Pro V&V shall take possession of the Voting Equipment from its present location in Fulton County on January 19, 2024, or another date no later than January 19, 2024, that is agreed to by Pro V&V and the Parties (January 19, 2024, or an earlier date agreed upon as provided above, being the "Transfer Date"). Fulton County shall grant Pro V&V access to the Voting Equipment beginning no later than 10:00 a.m. on the Transfer Date. In all other respects, the terms of the original Final Appointment Order--including the requirement that the Secretary file, no less than 2 days prior to the Transfer Date, a status report indicating the Transfer Date--remain in effect.			
January 9, 2024	Application for Emergency Relief			
	Lucas, Brendan Patrick	Dominion Voting Systems, Inc.	Intervenor	
	Document Name: Emergency Application to Enforce Supreme Court Order and Hearing to Hold Petitioners in Contempt			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
January 10, 2024	Order Granting Application for Emergency Relief Cohn Jubelirer, Renee			01/10/2024
	<p>Document Name: IN PART to Extent Requesting Injunctive Relief/ Emergency Application is Transferred to Supreme Ct.</p> <p>Comment: NOW, January 10, 2024, upon consideration of Intervenor Dominion Voting Systems, Inc.'s (Dominion) Emergency Application to Enforce Supreme Court Order and for Hearing to Hold Petitioners in Contempt (Emergency Application), and whereas the Emergency Application requests, inter alia, a hearing regarding whether Petitioners are in contempt of the Supreme Court of Pennsylvania's April 19, 2023 Opinion and Order1 (Supreme Court Order), in order to preserve the status quo, the Emergency Application is GRANTED IN PART, to the extent it requests emergency injunctive relief2 as follows:</p> <p>Pending further order of the Supreme Court of Pennsylvania, Petitioners are hereby ENJOINED from disseminating to third parties any of the information or evidence in their possession that formed the basis of the February 19, 2021 Wake TSI Report and the September 15, 2022 Speckin Forensic Report, including, but not limited to, any dissemination of Dominion's Confidential Information (as defined in the Dominion Lease Agreement, which is also defined in the Special Master's Report as referenced and included in County of Fulton v. Secretary of the Commonwealth, 292 A.3d 974, 1045 (Pa. 2023), cert. denied sub nom. Fulton County, Pennsylvania v. Secretary of the Commonwealth of Pennsylvania, 144 S. Ct. 283 (2023)).</p> <p>Further, pending further order of the Supreme Court of Pennsylvania, Petitioners are hereby ENJOINED from taking any action pursuant to the Motion carried at the December 27, 2023, meeting of the Fulton County Commissioners, as follows:</p> <p>Motion by Commissioner Ulsh, at the capacity of the Commissioners, to allow utilization of the February 29, 2021 Wake TSI Report, the September 15, 2022 Speckin Forensic Report, Wake TSI Experts and Speckin Forensic Experts, and evidence used to form expert opinions to be utilized by clients of Stefanie Lambert with common interests. Motion carried on a 2-1 vote. Commissioner Ulsh-Yay; Commissioner Bunch-Ya[y]; Commissioner Shives-Nay. (Emergency Application, Ex. A., at 312.)</p> <p>The Emergency Application is TRANSFERRED to the Supreme Court of Pennsylvania to the extent it seeks enforcement of and a hearing on the Supreme Court Order.3 See 42 Pa.C.S. § 5103(a).</p> <p>1 See County of Fulton v. Sec'y of Commonwealth, 292 A.3d 974 (Pa. 2023), cert. denied sub nom. Fulton County, Pennsylvania v. Sec'y of the Commonwealth of Pa., 144 S. Ct. 283 (2023).</p> <p>2 (See Emergency Application ¶ 58.)</p> <p>3 See, e.g., Gray v. Petoseed Co., Inc., 985 F. Supp. 625, 628 (D.S.C. 1996) (collecting cases and stating that "[i]t is elementary that the court against which a contempt is committed has exclusive jurisdiction to punish for such contempt") (quoting United States v. Barnett, 330 F.2d 369, 385 (5th Cir. 1963)).</p>			
January 16, 2024	Status Report Filed Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Document Name: regarding the date for transferring custody of the Voting Equipment			
January 16, 2024	Letter Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Document Name: regarding the voting equipment			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
January 17, 2024	Order Filed Cohn Jubelirer, Renee			01/17/2024
	Document Name: Parties may Initiate a Telephone Conference on the Date of Transfer Pursuant to This Order			
	Comment: NOW, January 17, 2024, upon consideration of Respondent's letter filed January 16, 2024, wherein Respondent requests leave to contact the Special Master regarding any issue that may require resolution relating to the transfer of the Voting Equipment1 that shall begin on January 19, 2024 (Transfer Date) at approximately 11:00 a.m., as provided in Respondent's Status Report filed January 16, 2024, the Special Master ORDERS that, if an issue regarding the transfer of the Voting Equipment requires immediate judicial intervention on the Transfer Date, counsel for the parties and Pro V&V, Inc. (Pro V&V) may initiate a telephone conference before the Special Master in accordance with this Order. No later than 2:00 p.m. on January 18, 2024, Counsel for all parties and Pro V&V shall confirm, via email to CCFCEscrow@pacourts.us, the name, email address, and telephone number of counsel who will be available for a telephone conference, should one be necessary, regarding the scheduled transfer of the Voting Equipment. The Special Master will provide call-in information in an email response. Further, if any party or Pro V&V wishes to initiate a telephone conference pursuant to this Order, that party shall immediately notify the Special Master by email to CCFCEscrow@pacourts.us, copying counsel of record for all parties and Pro V&V. The Special Master will respond by email directing a time for the telephone conference to begin, and counsel for all parties and Pro V&V shall timely join the conference using the previously provided call-in information. Finally, on the Transfer Date, Respondent shall notify the Special Master by email to CCFCEscrow@pacourts.us, copying counsel of record for all parties and Pro V&V, when the transfer of the Voting Equipment has begun, and again when it has been completed.			
January 17, 2024	Application for Extension of Time to File Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Document Name: Secretary's Application for Extension of Time to File Dispositive Motion			
January 19, 2024	Order Filed Per Curiam			01/19/2024
	Document Name: Any Answer to Application for Extension of Time shall be filed Jan. 22, 2024			
	Comment: NOW, January 19, 2024, upon review of Respondent's "Application for an Extension of Time to File a Dispositive Motion" (Application), and whereas Respondent represents that Petitioners do not consent to the relief requested in the Application, any answer in opposition to the Application shall be filed on or before Monday, January 22, 2024.			
January 23, 2024	Answer to Application for Extension Carroll, Thomas J.	County of Fulton	Petitioner	
	Carroll, Thomas J.	Fulton County Board of Elections	Petitioner	
	Carroll, Thomas J.	Ulsh, Stuart L.	Petitioner	
	Carroll, Thomas J.	Bunch, Randy H.	Petitioner	
	Document Name: Petitioners' Response to Motion for Extension of Time to File Dispositive Motions			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
January 23, 2024	Order Granting Application for Extension of Time to File Cohn Jubelirer, Renee			01/23/2024
	Document Name: Dispositive Motions due by February 16, 2024			
	Comment: NOW, January 23, 2024, upon review of Respondent's "Application for an Extension of Time to File a Dispositive Motion" (Application) and Petitioners' answer in opposition thereto, the Application is GRANTED. ¹ On or before February 16, 2024, the parties shall file and serve either 1) any dispositive motions (including for partial disposition) and briefs in support thereof or, 2) for any party not filing a dispositive motion, a status report indicating why no such motion can be filed and proposing a discovery schedule. Responses to dispositive motions and briefs in opposition thereto shall be filed and served within 30 days after the filing and service of such dispositive motions. Any reply briefs shall be filed and served within 14 days after filing and service of briefs in opposition to the dispositive motions. Following the parties' filings, the Court will enter an appropriate order regarding oral argument on dispositive motions filed or scheduling a status conference if necessary.			
	<p>¹ The Application seeks to extend the time for filing dispositive motions and briefing thereon regarding Petitioners' Amended Petition for Review (Petition), Respondent's Answer and New Matter, and Petitioner's Answer, which are now before the Commonwealth Court following its decision overruling Respondent's Preliminary Objections to the Petition. See County of Fulton v. Sec'y of the Commonwealth, 276 A.3d 846, 862 (Pa. Cmwlth. 2022). The undersigned issued the December 19, 2023 Order, and now issues this order modifying the schedule established thereby, in her capacity as President Judge of the Commonwealth Court (Court) only. This Court's orders regarding the Petition, as captioned above, are distinct from the matter docketed at Nos. 277 M.D. 2021 & 3 MAP 2022 combined, in which the undersigned was appointed to act as Special Master.</p>			
February 16, 2024	Application for Relief Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Document Name: The Secretary's Second Supplemental Application for Fees and Costs			
February 16, 2024	Status Report Filed Lucas, Brendan Patrick Goldman, Kathleen Jones	Dominion Voting Systems, Inc. Dominion Voting Systems, Inc.	Intervenor Intervenor	
	Document Name: Intervenor's			
February 16, 2024	Application for Relief Carroll, Thomas J. Carroll, Thomas J. Carroll, Thomas J. Carroll, Thomas J.	County of Fulton Fulton County Board of Elections Ulsh, Stuart L. Bunch, Randy H.	Petitioner Petitioner Petitioner Petitioner	
	Document Name: Petitioners' Combined Dispositive Motion and Brief			
February 16, 2024	Application for Summary Relief Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Document Name: Secretary's Application and Incorporated Memorandum of Law			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
February 23, 2024	Order Filed Cohn Jubelirer, Renee			02/23/2024
	Document Name: Intervenor Dominion shall file Submission of Costs and Fees by March 21, 2024			
	Comment: NOW, February 23, 2024, upon review of the Secretary of the Commonwealth's (Secretary) Second Supplemental Application for an Award of Fees and Costs Pursuant to the Supreme Court's Decision Issued December 19, 2023 (Second Supplemental Application) the undersigned Special Master hereby ORDERS that on or before March 21, 2024, Intervenor Dominion Voting Systems, Inc. (Dominion) shall file and serve a submission documenting legal fees and costs of litigation incurred between May 30, 2023, and January 31, 2024. The submission shall append all necessary documentation of said fees and costs. Appellees shall file and serve a response, if any, to the Secretary's Second Supplemental Application on or before March 18, 2024. Further, Appellees shall file and serve a response, if any, to the above-directed submission by Dominion within 30 days of service of that submission on Appellees. If any response herein directed is not timely filed, the submission to which such response would have been responsive will be considered unopposed.			
March 12, 2024	Order Filed Supreme Court of Pennsylvania			03/12/2024
	Document Name: 3 MAP 2022-Doninion's & Secretary's application for hearing to hold Fulton Co. in contempt is DENIED			
March 18, 2024	Answer to Application for Relief Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Document Name: Secretary's Answer to Petitioner's Dispositive Motion and Brief			
March 19, 2024	Filed - Other Lucas, Brendan Patrick	Dominion Voting Systems, Inc.	Intervenor	
	Document Name: Intervenor's First Supplemental Bill of Costs and Related Fees and Expenses			
April 3, 2024	Application for Relief Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Document Name: Secretary's Application to Supplement Summary Relief Record with Additional Evidence			
April 4, 2024	Order Filed Cohn Jubelirer, Renee			04/04/2024
	Document Name: Answers to Application to Supplement are due Apr. 10, 2024/ Arg. Sched. En Banc 5/8/2024			
	Comment: NOW, February 4, 2024, answers, if any, to Respondent's Application to Supplement the Summary-Relief Record with Additional Evidence shall be filed on or before Wednesday, April 10, 2024. Further, oral argument on Petitioners' Combined Dispositive Motion and Respondent's Answer in Opposition thereto, together with Respondent's Application for Summary Relief, is scheduled before the Court, sitting en banc, on May 8, 2024, at 9:30 a.m. at the Pennsylvania Judicial Center, Harrisburg.			
April 8, 2024	Argument Scheduled Krimmel, Michael			
	Document Name: Wednesday, May 8, 2024, 9:30 a.m. (En Banc) Courtroom 5001, PA Judicial Center, 601 Commonwealth Ave			
	Comment: Harrisburg, PA No. 80 on the list.			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
April 9, 2024	Application for Extension of Time to File			
	Carroll, Thomas J.	County of Fulton	Petitioner	
	Carroll, Thomas J.	Fulton County Board of Elections	Petitioner	
	Carroll, Thomas J.	Ulsh, Stuart L.	Petitioner	
	Carroll, Thomas J.	Bunch, Randy H.	Petitioner	
	Document Name: Application for Extension of Time to File Answer to Application to Supplement Summary-Relief Record			
April 9, 2024	Filed - Other			
	Carroll, Thomas J.	County of Fulton	Petitioner	
	Carroll, Thomas J.	Fulton County Board of Elections	Petitioner	
	Carroll, Thomas J.	Ulsh, Stuart L.	Petitioner	
	Carroll, Thomas J.	Bunch, Randy H.	Petitioner	
	Document Name: Service of Application for Extension of Time on Respondent			
April 9, 2024	Order Granting Application for Extension of Time to File			04/09/2024
	Leadbetter, Bonnie Brigance			
	Document Name: Granted in Part/Answer to App to Supplement the Summary-Relief is due April 15, 2024			
	Comment: Upon consideration of Petitioners' Application for Extension of Time to File Answer to Application to Supplement the Summary-Relief Record with Additional Evidence (Application), the Application is GRANTED IN PART only as follows: Petitioners' answer to Respondent's Application to Supplement the Summary-Relief Record with Additional Evidence shall be filed on or before Monday, April 15, 2024. No further extensions of this time will be considered absent extraordinary circumstances.			
April 10, 2024	Application for Relief			
	Lucas, Brendan Patrick	Dominion Voting Systems, Inc.	Intervenor	
	Gallagher, Shawn N.	Dominion Voting Systems, Inc.	Intervenor	
	Document Name: Application for Renewal of the Special Master's Injunction or a Protective Order			
April 17, 2024	Order Granting Application for Relief			04/17/2024
	Cohn Jubelirer, Renee			
	Document Name: Respondent's Application to Supplement the Summary-Relief Record is GRANTED			
	Comment: Upon consideration of Respondent's Application to Supplement the Summary-Relief Record with Additional Evidence (Application to Supplement), to which no Answer has been timely filed, the Application to Supplement is GRANTED.			
	The Court will consider the materials attached to the Application to Supplement, comprising Exhibits 1 through 6 thereto, as though they had been attached to Respondent's Application for Summary Relief and Incorporated Memorandum of Law (Application for Summary Relief). The Prothonotary shall attach Exhibits 1 through 6 of the Application to Supplement to Respondent's Application for Summary Relief, which was filed and docketed on February 16, 2024.			
April 17, 2024	Application for Reconsideration			
	Carroll, Thomas J.	County of Fulton	Petitioner	
	Carroll, Thomas J.	Fulton County Board of Elections	Petitioner	
	Carroll, Thomas J.	Ulsh, Stuart L.	Petitioner	
	Carroll, Thomas J.	Bunch, Randy H.	Petitioner	

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
April 18, 2024	Order Filed Cohn Jubelirer, Renee			04/18/2024
	Document Name: Answers to Application for Reconsideration are Due April 22, 2024			
	Comment: NOW, April 18, 2024, upon consideration of Petitioners' Application for Reconsideration of the Court's April 17, 2024 Order (Application), and whereas oral argument in this matter is scheduled for May 8, 2024, any answer to the Application shall be filed on or before Monday, April 22, 2024.			
April 22, 2024	Answer to Application for Reconsideration Wiygul, Robert Andrew	Secretary of the Commonwealth	Respondent	
	Document Name: The Secretary's Answer in Opposition to Petitioners' Motion for Reconsideration			
April 23, 2024	Order Denying Application for Reconsideration Cohn Jubelirer, Renee			04/23/2024
	Document Name: Petitioner's Application for Reconsideration of April 17, 2024 Order is Denied			
	Comment: NOW, April 23, 2024, upon consideration of Petitioners' Application for Reconsideration of the Court's April 17, 2024 Order (Application) and Respondent's Answer in opposition thereto, the Application is DENIED.			
April 24, 2024	Answer to Application for Relief Carroll, Thomas J.	County of Fulton	Petitioner	
	Carroll, Thomas J.	Fulton County Board of Elections	Petitioner	
	Carroll, Thomas J.	Uish, Stuart L.	Petitioner	
	Carroll, Thomas J.	Bunch, Randy H.	Petitioner	
	Document Name: Petitioners' Answer to Application for Renewal of Injunction Order or for a Protective Order			
April 29, 2024	Order - Rule to Show Cause Cohn Jubelirer, Renee			04/29/2024
	Document Name: Argument on Application for Renewal is scheduled for May 14, 2024, 1:30pm /See Order Filed			
	Comment: NOW, April 29, 2024, upon review of the "Application for Renewal of the Special Master's Injunction Order or, in the Alternative, a Protective Order" (Application) filed by Intervenor Dominion Voting Systems, Inc. (Dominion) and Petitioners' Response thereto, it is hereby ORDERED that:			
	1. Oral argument on the Application, and a hearing, if necessary, is scheduled for Tuesday, May 14, 2024, at 1:30 p.m. in Courtroom 3001, Third Floor, Pennsylvania Judicial Center, 601 Commonwealth Avenue, Harrisburg, Pennsylvania. The proceeding will be available to watch via a public livestream weblink posted on the Court's website.			
	2. Whereas neither Dominion nor Petitioners have requested any evidentiary hearing on the Application, on or before May 3, 2024, the parties shall confer to determine each party's position on whether the Application may be disposed of on legal grounds and the existing record in this matter. If, after conferring, any party believes presentation of evidence on the Application is necessary, such party shall file a status report on or before May 8, 2024, indicating the same, together with a list of witnesses and/or exhibits to be presented on May 14, 2024. Alternatively, the parties may PAC-File any joint stipulation of facts on or before May 8, 2024. If no such status report or stipulation is timely filed, the scheduled proceeding on the Application will consist of oral argument only.			
April 30, 2024	Application for Relief Lucas, Brendan Patrick	Dominion Voting Systems, Inc.	Intervenor	
	Document Name: Dominion's Consented to Application for Extension of Time to Conduct Injunction Proceedings			

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May 1, 2024	Order Granting Application for Relief Cohn Jubelirer, Renee			05/01/2024
	Document Name: Argument on Application for Renewal Rescheduled to May 28, 2024, 1:00pm (See Order Filed)			
	Comment: NOW, May 1, 2024, upon consideration of Intervenor Dominion Voting Systems, Inc.'s (Dominion) Consented to Application for Extension of Time to Conduct Injunction Proceedings (Application), wherein Dominion requests an extension of the schedule set forth in the Court's April 29, 2024 scheduling order and represents that Petitioners concur in the relief sought in the Application, the Application is GRANTED and it is hereby ORDERED that:			
	1. Oral argument on Dominion's "Application for Renewal of the Special Master's Injunction Order or, in the Alternative, a Protective Order" (Injunction Application) and Petitioners' Response thereto, and a hearing, if necessary, currently scheduled for May 14, 2024, is rescheduled to May 28, 2024, at 1:00 p.m. in Courtroom 3002, Third Floor, Pennsylvania Judicial Center, 601 Commonwealth Avenue, Harrisburg, Pennsylvania. The proceeding will be available to watch via a public livestream weblink posted on the Court's website.			
	2. Whereas neither Dominion nor Petitioners have requested any evidentiary hearing on the Injunction Application, on or before May 17, 2024, the parties shall confer to determine each party's position on whether the Injunction Application may be disposed of on legal grounds and the existing record in this matter. If, after conferring, any party believes presentation of evidence on the Injunction Application is necessary, such party shall file a status report on or before May 22, 2024, indicating the same, together with a list of witnesses and/or exhibits to be presented on May 14, 2024. Alternatively, the parties may PAC-File any joint stipulation of facts on or before May 22, 2024. If no such status report or stipulation is timely filed, the scheduled proceeding on the Injunction Application will consist of oral argument only.			
	3. Dominion shall secure the services of a court stenographer for the proceeding.			
May 2, 2024	Order Filed Per Curiam			05/02/2024
	Document Name: 30 Minutes shall be set aside for Oral Argument in this matter with each side having 15 minutes			
	Comment: NOW, May 2, 2024, it is hereby ORDERED that 30 minutes shall be set aside for argument in this matter. Petitioners shall have 15 minutes to present their arguments in support of their Combined Dispositive Motion (Motion) and in opposition to Respondent's Application for Summary Relief (Application). Respondent shall have 15 minutes to present his arguments in support of his Application and in opposition to Petitioners' Motion. Both parties may present rebuttal argument, if wanted, which will be subtracted from their 15 minutes of total time.			
May 7, 2024	Entry of Appearance Schnee, J Chadwick	County of Fulton	Petitioner	
	Document Name: Attorney J. Chadwick Schnee for Petitioner County of Fulton			
May 22, 2024	Status Report Filed Lucas, Brendan Patrick	Dominion Voting Systems, Inc.	Intervenor	
May 22, 2024	Status Report Filed Carroll, Thomas J.	County of Fulton	Petitioner	
	Carroll, Thomas J.	Fulton County Board of Elections	Petitioner	
	Carroll, Thomas J.	Ulsh, Stuart L.	Petitioner	
	Carroll, Thomas J.	Bunch, Randy H.	Petitioner	
	Document Name: Petitioners'			



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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
June 11, 2024	Memorandum Opinion Filed Cohn Jubelirer, Renee			06/11/2024

Document Name: Application for Renewal of Special Master's Injunction Order is GRANTED.

Comment: NOW, June 11, 2024, upon consideration of Intervenor Dominion Voting Systems, Inc.'s (Dominion) Application for Renewal of the Special Master's Injunction Order, or, in the Alternative, a Protective Order (Application) and Petitioners' (collectively, Fulton County or the County) Response thereto, the Application is GRANTED to the extent it seeks injunctive relief, and the Court hereby ORDERS as follows:

Fulton County and their counsel¹ are hereby ENJOINED from disseminating, or allowing third parties to access, any of the evidence or information in the County's possession that formed the basis for the February 19, 2021 Wake TSI Report, the September 15, 2022 Speckin Forensics Report, or any other evidence obtained in any unauthorized inspection of the Voting Equipment,² as that term is defined in the accompanying Opinion (together with the Confidential Information, the Disputed Information). This injunction will not operate to prohibit disclosure of the Disputed information if the disclosure is:

1. ordered by a court of competent jurisdiction; or
2. conducted in conformity with the Dominion Lease Agreement; or
3. a disclosure only to the County's counsel, experts, agents, or representatives duly retained in the course of litigation to which the County is a party for use in that litigation, and is subject to a written agreement between the County and the person to whom disclosure is made that requires the ongoing confidentiality of the Disputed Information in conformity with the Dominion Lease Agreement.

IT IS FURTHER ORDERED that if the County or its attorneys violate this Order by releasing, leaking, or otherwise disclosing the Disputed Information to a third party, or by causing or permitting the same actions through the use of an agent, such entity or person shall be subject to sanctions for contempt.

IT IS FURTHER ORDERED that this Court will retain jurisdiction over all entities and persons subject to this Order to the extent necessary to enforce any obligations arising hereunder or to impose sanctions for any contempt thereof.

IT IS FURTHER ORDERED that the Secretary's oral request for an accounting or other description of the County's possession and use of the Disputed Information, made on the record at the hearing on the Application and in which Dominion joined, (see 5/28/24 Tr. at 18, 21, 27), is DENIED without prejudice to request such relief by written application in this Court should a party believe such relief is necessary.

1 As used in this Order, the County's counsel shall include all counsel who have at any time entered an appearance for the County in this matter and all attorneys who have in fact represented the County at any time in connection with this matter, including, without limitation, Michigan attorney Stefanie Lambert.

2 Capitalized terms used in this Order carry the definitions set forth in the accompanying Opinion, to the extent they are not otherwise defined in this Order.

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SESSION INFORMATION

Journal Number: 80-05-2024
Consideration Type: En Banc Argument
Listed/Submitted Date: May 8, 2024

REARGUMENT / RECONSIDERATION / REMITTAL

Filed Date: April 17, 2024
Disposition: Order Filed
Disposition Date: April 18, 2024
Record Remittal:
Filed Date: April 17, 2024
Disposition:
Disposition Date:
Record Remittal:
Filed Date: April 17, 2024
Disposition: Order Denying Application for Reconsideration
Disposition Date: April 23, 2024
Record Remittal: