

Miscellaneous Docket Sheet

Docket Number: 386 MD 2024

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December 22, 2024



CAPTION

In re: Nomination Papers of Robert F. Kennedy, Jr. and Nicole Shanahan as the We The People Candidates for President and Vice President of the United States in the November 5, 2024 General Election

Objection of: Alexander Reber and Janneken Smucker

CASE INFORMATION

Initiating Document: Objection to Nominating Papers
Case Status: Closed
Case Processing Status: August 23, 2024 Completed
Journal Number:
Case Category: Election Case Type(s): Objection to Nomination Papers

CONSOLIDATED CASES

RELATED CASES

COUNSEL INFORMATION

Petitioner Smucker, Janneken

Pro Se: No

IFP Status:

Attorney: Ford, Timothy James
Law Firm: Dilworth Paxson LLP
Address: 1500 Market St Ste 3500E Philadelphia, PA 19102
Phone No: (215) 575-7017 Fax No:

Attorney: Richards, Ira Neil
Law Firm: Dilworth Paxson LLP
Address: 1500 Market St Ste 3500 E Philadelphia, PA 19102-2101
Phone No: (215) 575-7061 Fax No:

Attorney: Spitzer, Margaret Ruth McGuire
Law Firm: Dilworth Paxson LLP
Address: 136 Briarwood Dr Holland, PA 18966
Phone No: (267) 994-7544 Fax No:

Attorney: Rodkey, David
Law Firm: Dilworth Paxson LLP
Address: 1500 E Market St 3500 E Philadelphia, PA 19102
Phone No: (215) 575-7027 Fax No:

Miscellaneous Docket Sheet**Commonwealth Court of Pennsylvania****Docket Number: 386 MD 2024****Page 2 of 12****December 22, 2024****COUNSEL INFORMATION****Petitioner Smucker, Janneken**

Pro Se: No

IFP Status:

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 Law Firm: Dilworth Paxson LLP
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Petitioner Reber, Alexander

Pro Se: No

IFP Status:

Attorney: Ford, Timothy James
 Law Firm: Dilworth Paxson LLP
 Address: 1500 Market St Ste 3500E
 Philadelphia, PA 19102
 Phone No: (215) 575-7017 Fax No:

Attorney: Richards, Ira Neil
 Law Firm: Dilworth Paxson LLP
 Address: 1500 Market St Ste 3500 E
 Philadelphia, PA 19102-2101
 Phone No: (215) 575-7061 Fax No:

Attorney: Spitzer, Margaret Ruth McGuire
 Law Firm: Dilworth Paxson LLP
 Address: 136 Briarwood Dr
 Holland, PA 18966
 Phone No: (267) 994-7544 Fax No:

Attorney: Rodkey, David
 Law Firm: Dilworth Paxson LLP
 Address: 1500 E Market St 3500 E
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Attorney: Small, Jack Michael
 Law Firm: Dilworth Paxson LLP
 Address: 1500 Market St Ste 3500e
 Philadelphia, PA 19102
 Phone No: (215) 575-7313 Fax No:

Other Mullen, Kathleen

Pro Se: No

IFP Status:

Attorney: Mullen, Kathleen Ann
 Law Firm: Pennsylvania Governor's Office of General Counsel
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 Harrisburg, PA 17120-0102
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COUNSEL INFORMATION

Other **Kotula, Kathleen**

Pro Se: No

IFP Status:

Attorney: Kotula, Kathleen Marie
 Law Firm: Pennsylvania Department of State
 Address: Pa Dept Of State

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Other **Everhart, Ian**

Pro Se: No

IFP Status:

Attorney: Everhart, Ian Blythe
 Law Firm: Pennsylvania Department of State
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Pittsburgh, PA 15222

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Other **Darr, Gregory**

Pro Se: No

IFP Status:

Attorney: Darr, Gregory Mitchell
 Law Firm: Pennsylvania Department of State
 Address: Pa Dept Of State Occ

306 N Office Bldg
 Harrisburg, PA 17120

Phone No: (717) 571-5598 Fax No:

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Respondent **Shanahan, Nicole Ann**

Pro Se: No

IFP Status:

Attorney: Otter, Lawrence M.
 Address: Po Box 575
 Silverdale, PA 18962-0575

Phone No: (267) 261-2948 Fax No:

Attorney: Rossi, Paul Anthony
 Address: 316 Hill St
 Mountville, PA 17554

Phone No: (717) 961-8978 Fax No:

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COUNSEL INFORMATION

Respondent Kennedy, Robert F., Jr.
 Pro Se: No
 IFP Status:
 Attorney: Otter, Lawrence M.
 Address: Po Box 575
 Silverdale, PA 18962-0575
 Phone No: (267) 261-2948 Fax No:
 Attorney: Rossi, Paul Anthony
 Address: 316 Hill St
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FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
08/08/2024	Miscellaneous Docket Filing Fee	70.25	08/08/2024	2024-CMW-H-001221	70.25
08/14/2024	Subpoena	6.00	08/14/2024	2024-CMW-H-001236	6.00
08/14/2024	Subpoena	2.00	08/14/2024	2024-CMW-H-001238	2.00

AGENCY/TRIAL COURT INFORMATION

Order Appealed From: Notice of Appeal Filed:
 Order Type:
 Documents Received: August 8, 2024

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

Petitioner		Respondent	
Reber, Alexander		Kennedy, Robert F., Jr.	
Brief		Brief	
Due: August 15, 2024	Filed: August 15, 2024	Due: August 15, 2024	Filed: August 15, 2024
Smucker, Janneken		Shanahan, Nicole Ann	
Brief		Brief	
Due: August 15, 2024	Filed: August 15, 2024	Due: August 15, 2024	Filed: August 15, 2024

DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
August 8, 2024	Objection to Nominating Papers			
	Reber, Alexander		Petitioner	
	Smucker, Janneken		Petitioner	

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August 8, 2024	Certificate of Service Filed			
	Ford, Timothy James	Reber, Alexander	Petitioner	
	Ford, Timothy James	Smucker, Janneken	Petitioner	
	Document Name: Service of Petition			
August 9, 2024	Entry of Appearance			
	Otter, Lawrence M.	Kennedy, Robert F., Jr.	Respondent	
	Otter, Lawrence M.	Shanahan, Nicole Ann	Respondent	
	Document Name: Atty. Otter for Respondents			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
August 9, 2024	Order Filed Per Curiam			08/09/2024
	Document Name: Scheduling and Case Management Order			
	Comment: NOW, August 9, 2024, upon consideration of the Petition to Set Aside Nomination Papers (Objection Petition):			
	1. IT IS HEREBY ORDERED:			
	A. Hearing on the Objection Petition is scheduled for Monday, August 12, 2024, at 10:00 a.m., in Courtroom Number 2, Widener Building, One South Penn Square, 1339 Chestnut Street, 9th Floor, Philadelphia, Pennsylvania. Objectors are directed to secure the services of a court stenographer for the hearing. Failure of Objectors to secure the services of a court stenographer may result in the dismissal of this matter.			
	B. If signature lines are challenged, Objectors shall secure, by request or subpoena, the presence of a Statewide Uniform Registry of Electors (SURE) system operator at the hearing.			
	C. Service of the Objection Petition on Candidates and this Order on all parties is complete upon the posting of the Objection Petition and this Order on the Court's website in accordance with this Court's Notice and Order in In re: Objections to Nomination Petitions/Papers of Candidates for Statewide and State-Level Office (Pa. Cmwlth., No. 126 Misc. Dkt. No. 3, July 19, 2023).			
	D. At the hearing, Objectors shall offer proof of timely service of the Objection Petition on the Secretary of the Commonwealth.			
	2. It is FURTHER ORDERED that the parties shall comply with the following in advance of the hearing:			
	A. Objectors shall file a list of all witnesses to be called at the hearing and the curriculum vitae and expert report for each expert witness. Any witness not identified may be precluded from testifying except for good cause shown.			
	B. Candidates shall file a list of all witnesses to be called at the hearing and the curriculum vitae and expert report for each expert witness. Any witness not identified may be precluded from testifying except for good cause shown.			
	3. If signature line challenges are at issue, it is FURTHER ORDERED that the parties shall comply with the following in advance of the hearing:			
	A. Objectors and Candidates or Candidates' representatives and, if appropriate, a SURE system operator, shall meet to review each and every challenged signature line.			
	B. Objectors and Candidates shall file a stipulation of the parties that identifies:			
	(a) the total number of completed signature lines submitted;			
	(b) the total number of uncontested signature lines submitted;			
	(c) the total number of signature lines challenged;			
	(d) each and every signature line to which there is an objection, identified by page number and line number, and the basis for the objection;			
	(e) each and every signature line to be stricken as invalid or for which an objection is to be withdrawn, identified by page number and line number, if the parties can reach such a stipulation.			
	C. Candidates shall file a list of all signature lines, identified by page number and line number, that are facially defective and that Candidates intend to rehabilitate. Candidates shall also state the manner in which Candidates intend to rehabilitate the signature lines.			
	4. Objectors and Candidates may each file a memorandum of law in support of their respective positions. No further memoranda will be permitted unless ordered by the Court.			
	5. Unless otherwise ordered, the parties shall file all items required or permitted by paragraphs 2, 3 and 4 of this Order by 12:00 noon, Sunday, August 11, 2024. Filing may be accomplished by PACFile (the Pennsylvania appellate court electronic filing system) or by email to CommCourtFiling@pacourts.us. Parties may not file by facsimile without express prior permission from the Court.			
	6. Failure to comply with any provision of this Order may preclude the noncompliant party from entering any evidence, and may result in the imposition of monetary sanctions.			

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August 11, 2024	Stipulation Filed Ford, Timothy James Ford, Timothy James Otter, Lawrence M. Otter, Lawrence M.	Reber, Alexander Smucker, Janneken Kennedy, Robert F., Jr. Shanahan, Nicole Ann	Petitioner Petitioner Respondent Respondent	
	Document Name: Case Management Stipulation			
August 11, 2024	Memorandum of Law Filed Ford, Timothy James Ford, Timothy James	Reber, Alexander Smucker, Janneken	Petitioner Petitioner	
	Document Name: Objectors' Memorandum of Law in Support of Petition to Set Aside			
August 11, 2024	Filed - Other Ford, Timothy James Ford, Timothy James	Reber, Alexander Smucker, Janneken	Petitioner Petitioner	
	Document Name: Objectors' Witness List			
August 11, 2024	Memorandum of Law Filed Otter, Lawrence M.	Kennedy, Robert F., Jr.	Respondent	
	Document Name: Respondents' Pre-trial Memo			
August 11, 2024	Filed - Other Otter, Lawrence M. Otter, Lawrence M.	Kennedy, Robert F., Jr. Shanahan, Nicole Ann	Respondent Respondent	
	Document Name: Respondents' Witness List			
August 12, 2024	Hearing Scheduled Dumas, Lori A.			08/12/2024
	Document Name: Aug. 20, 2024, 10:00am, Widener Bldg., Phila. / Briefing Set			
	Comment: AND NOW, this 12th day of August, 2024, we ORDER as follows. Each party must file a single, unified brief addressing all legal issues on or before 12:00 p.m., August 15, 2024. Each brief must comply with Pa.R.A.P. 2135 for principal briefs. Filing may be accomplished by PACFile (the Pennsylvania Appellate Court Electronic Filing System) or by email to CommCourtFiling@pacourts.us. Parties may not file by facsimile without express prior permission from the Court.			
	An evidentiary hearing is scheduled for Tuesday, August 20, 2024, at 10:00 a.m., in Courtroom Number 2, Widener Building, One South Penn Square, 1339 Chestnut Street, 9th Floor, Philadelphia, Pennsylvania. The parties are strongly encouraged to meet and confer in advance and agree or otherwise stipulate to witnesses and other evidentiary matters prior to the August 20th hearing. Any such stipulation must be filed as part of each party's pre-trial statement, which must comply with Pa.R.Civ.P. 212.2. Each party's pre-trial statement, which must also include the curriculum vitae and expert report for any expert witness, must be filed by 5:00 p.m., Monday, August 19, 2024. Any witness not identified may be precluded from testifying except for good cause shown. Objectors are directed to secure the services of a court stenographer for the hearing.			
August 13, 2024	Entry of Appearance Rossi, Paul Anthony	Kennedy, Robert F., Jr.	Respondent	
	Document Name: of Paul Rossi, Esq.			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
August 13, 2024	Order Filed Per Curiam			08/13/2024
	Document Name: Court's 8-12-24 Order is AMENDED only to the extent that the hearing shall be held in Harrisburg, PA			
	Comment: AND NOW, this 13th day of August, 2024, this Court's Order of August 12, 2024 is hereby AMENDED only to the extent that the evidentiary hearing currently scheduled for Tuesday, August 20, 2024, at 10:00 a.m., in Philadelphia, shall be held in Courtroom 3002, Pennsylvania Judicial Center, 601 Commonwealth Avenue, Harrisburg, Pennsylvania, on the same date and time. In all other respects the August 12, 2024 Order remains in effect.			
August 14, 2024	Entry of Appearance Richards, Ira Neil Richards, Ira Neil	Reber, Alexander Smucker, Janneken	Petitioner Petitioner	
	Document Name: Attorney Ira Neil Richards for Petitioners			
August 15, 2024	Respondent's Brief Filed Kennedy, Robert F., Jr. Shanahan, Nicole Ann		Respondent Respondent	
August 15, 2024	Petitioner's Brief Filed Reber, Alexander Smucker, Janneken		Petitioner Petitioner	

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
August 16, 2024	Order Filed Per Curiam			08/16/2024
	Document Name: Decorum Order			
	Comment: AND NOW, this 16th day of August, 2024, after consultation with the Capitol Police and the Administrative Office of Pennsylvania Courts (AOPC) regarding the evidentiary hearing in this matter, which is scheduled for Tuesday, August 20, 2024, at 10:00 a.m., in Courtroom 3002 (Courtroom), Third Floor, Pennsylvania Judicial Center (PJC), and it appearing that there may be significant public interest in this matter, the Court hereby ORDERS as follows:			
	1. Any schedule changes will be posted to the Court's website and/or social media as soon as practicable.			
	2. Seating for the public and media to observe the hearing shall be limited on a "first come, first seated" basis. Ten seats in the Courtroom will be reserved for properly credentialed members of the media until 9:50 a.m. Additional seating will be available to the public on a "first come, first seated" basis in Courtroom 5001 (Overflow Courtroom) on the Fifth Floor of the PJC, where the proceedings will be viewable through an internal live audio and video feed. Additional seats will be reserved in			
	2			
	the Overflow Courtroom for properly credentialed members of the media. After 9:50 a.m., any remaining reserved seats for properly credentialed members of the media in the Courtroom and the Overflow Courtroom (collectively Courtrooms) will be released to the public. 3. Nobody other than Court personnel, the Capitol Police, or other authorized security personnel will be permitted to stand at the back of or along the sides of the Courtrooms. Attorneys not involved in this case shall be treated as members of the public.			
	4. Decorum shall be maintained at all times by all persons present in the Courtrooms.			
	5. No signs or banners may be brought into the PJC. No company, media or campaign logos; clothing, buttons, facemasks, or other items with messages; or other material that may be deemed distracting, disruptive, or potentially improperly prejudicial may be brought into, worn, or displayed in the PJC.			
	6. No electronic devices may be used in the Courtrooms except by the Court and by counsel of record. Except for those electronic devices used by the Court and counsel, no electronic devices will be allowed in the Courtrooms, with the exception of cellular or smart phones and watches. Cellular or smart phones and watches may be carried and/or worn into the Courtrooms, but they must be turned off at all times. Broadcasting, televising, recording, and/or photographing of the proceedings is prohibited.			
	3			
	7. Cameras will not be permitted beyond the designated areas of the First Floor of the PJC. A podium will be available on the plaza outside the PJC for persons who wish to address the media.			
	8. The PJC will be open at 8:00 a.m. for counsel of record and other authorized personnel. The Courtroom will be unlocked and available for counsel of record and other authorized personnel approximately 30 minutes before the opening of Court. Counsel of record who require earlier access must make prior arrangements with this Court's Prothonotary. The Capitol Police will begin screening and admitting members of the media and public approximately 30 minutes before the opening of Court.			
	9. Persons who fail to comply with this Order or maintain proper decorum may be removed by Court personnel or the Capitol Police.			
	10. Media liaisons are:			
	Stacey Witalec, AOPC Director of Communications 717-231-3334 (office) or 717-877-2997 (mobile);			
	Kimberly Bathgate, AOPC Asst. Director of Communications 717-231-3331 (office) or 717-576-4373 (mobile).			

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
August 19, 2024	Filed - Other			
	Rossi, Paul Anthony	Shanahan, Nicole Ann	Respondent	
	Rossi, Paul Anthony	Kennedy, Robert F., Jr.	Respondent	
	Document Name: Respondents' Pre-Trial Statement			
August 19, 2024	Filed - Other			
	Ford, Timothy James	Reber, Alexander	Petitioner	
	Ford, Timothy James	Smucker, Janneken	Petitioner	
	Document Name: Petitioners' Pre-Trial Statement			
August 21, 2024	Transcript Filed Court Reporter			
	Document Name: Proceedings of August 12, 2024 at 10:00 a.m.			
August 21, 2024	Filed - Other			
	Rossi, Paul Anthony	Shanahan, Nicole Ann	Respondent	
	Rossi, Paul Anthony	Kennedy, Robert F., Jr.	Respondent	
	Document Name: Notice of Recent Decision			
August 21, 2024	Answer Filed			
	Ford, Timothy James	Reber, Alexander	Petitioner	
	Ford, Timothy James	Smucker, Janneken	Petitioner	
	Document Name: Objectors' Answer to Candidate's Notice of Recent Decision			
August 23, 2024	Transcript Filed Court Reporter			
	Document Name: Proceedings of 8/20/24 hearing.			
August 23, 2024	Filed - Other			
	Rossi, Paul Anthony	Shanahan, Nicole Ann	Respondent	
	Rossi, Paul Anthony	Kennedy, Robert F., Jr.	Respondent	
	Document Name: Respondents' Notice of Withdraw of Opposition to Petition to Set Aside			
August 23, 2024	Amended			
	Rossi, Paul Anthony	Shanahan, Nicole Ann	Respondent	
	Rossi, Paul Anthony	Kennedy, Robert F., Jr.	Respondent	
	Document Name: AMENDED NOTICE to Withdrawal their Opposition to the Petition to Set Aside Resp's Nomination Papers			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
August 23, 2024	Dismissal Dumas, Lori A.			08/23/2024
Document Name: The Petition to Withdraw Candidacy is GRANTED; The Petition to Set Aside is DISMISSED as MOOT.				
Comment: AND NOW, this 23rd day of August, 2024, upon consideration of the Amended Notice filed by Robert F. Kennedy, Jr. and Nicole Shanahan as the We the People Candidates for President and Vice President of the United States in the November 5, 2024 General Election (Respondents), which withdraws their opposition to the Petition to Set Aside Nomination Papers, filed by Alexander Reber and Janneken Smucker (Petitioners), and which requests dismissal of Respondents' nomination papers so that they do not appear on the Commonwealth's 2024 general election ballot, the Court hereby accepts the Amended Notice filed as a Petition to Withdraw Candidacy and ORDERS as follows:				
(1) As this Court finds no special circumstances exist, cf. Section 978.4 of the Pennsylvania Election Code, the Petition to Withdraw Candidacy is GRANTED.				
(2) The Petition to Set Aside Nomination Papers is DISMISSED AS MOOT.				
(3) The Secretary of the Commonwealth shall not include Robert F. Kennedy, Jr. and Nicole Shanahan as candidates for President and Vice President of the United States on the November 5, 2024 General Election ballot.				
(4) Each party shall pay their own costs.				
(5) Respondents shall serve a copy of this Order on Petitioners and shall promptly file proof of service with this Court.				
(6) The Prothonotary shall promptly send a copy of this Order to the Secretary of the Commonwealth.				
(7) The Prothonotary shall mark the docket in this case as closed.				

August 28, 2024 Transcript Filed
Court Reporter
Document Name: Proceedings of 8/6/24 in Albany County Courthouse, Albany New York.

August 28, 2024 Exhibit
Court Reporter
Document Name: Proceedings of 8/6/24 in Albany County Courthouse, Albany, New York.

DISPOSITION INFORMATION

Final Disposition:	Yes	Judgment Date:	
Related Journal No:		Disposition Author:	Dumas, Lori A.
Category:	Disposed Before Decision	Disposition Date:	August 23, 2024
Disposition:	Dismissal		



DISPOSITION INFORMATION

Disposition Comment: AND NOW, this 23rd day of August, 2024, upon consideration of the Amended Notice filed by Robert F. Kennedy, Jr. and Nicole Shanahan as the We the People Candidates for President and Vice President of the United States in the November 5, 2024 General Election (Respondents), which withdraws their opposition to the Petition to Set Aside Nomination Papers, filed by Alexander Reber and Janneken Smucker (Petitioners), and which requests dismissal of Respondents' nomination papers so that they do not appear on the Commonwealth's 2024 general election ballot, the Court hereby accepts the Amended Notice filed as a Petition to Withdraw Candidacy and ORDERS as follows:

- (1) As this Court finds no special circumstances exist, cf. Section 978.4 of the Pennsylvania Election Code, the Petition to Withdraw Candidacy is GRANTED.
- (2) The Petition to Set Aside Nomination Papers is DISMISSED AS MOOT.
- (3) The Secretary of the Commonwealth shall not include Robert F. Kennedy, Jr. and Nicole Shanahan as candidates for President and Vice President of the United States on the November 5, 2024 General Election ballot.
- (4) Each party shall pay their own costs.
- (5) Respondents shall serve a copy of this Order on Petitioners and shall promptly file proof of service with this Court.
- (6) The Prothonotary shall promptly send a copy of this Order to the Secretary of the Commonwealth.
- (7) The Prothonotary shall mark the docket in this case as closed.

Dispositional Filing:
Filed Date:

Filing Author: