

**Commonwealth Docket Sheet**

**Docket Number: 1309 CD 2024**

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**April 15, 2025**



**CAPTION**

Brian T. Baxter and Susan T. Kinniry  
v.  
Philadelphia Board of Elections,  
Republican National Committee,  
and Republican Party of Pennsylvania

Appeal of: Republican National  
Committee and Republican Party  
of Pennsylvania

**CASE INFORMATION**

Initiating Document: Notice of Appeal  
Case Status: Closed  
Case Processing Status: October 30, 2024 Completed  
Journal Number: SE-017a-2024  
Case Category: Election Case Type(s): Election

**CONSOLIDATED CASES**

**RELATED CASES**

Docket No / Reason	Type	Docket No / Reason	Type
1305 CD 2024 Same Record Below	Consolidated	1305 CD 2024 Cross Appeal	Related

**COUNSEL INFORMATION**

**Appellant Republican Party of Pennsylvania**

Pro Se: No

IFP Status:

Attorney: Gallagher, Kathleen A.  
Law Firm: The Gallagher Firm, LLC  
Address: The Gallagher Firm LLC  
436 Seventh Ave 31st Fl  
Pittsburgh, PA 15219  
Phone No: (412) 308-5512

Fax No:

Attorney: King, Thomas W., III  
Law Firm: Dillon, McCandless, King, Coulter & Graham, LLP  
Address: Dillon Mccandless Et Al  
128 W Cunningham St  
Butler, PA 16001-5742  
Phone No: (724) 283-2200

Fax No:

Attorney: Gore, John M.  
Law Firm: Jones Day  
Address: 51 Louisiana Avenue, N.W.  
Washington, DC 20001  
Phone No: (202) 879-3939

Fax No:



COUNSEL INFORMATION

**Appellant**                      **Republican National Committee**

Pro Se:                              No

IFP Status:

Attorney:                      Gallagher, Kathleen A.  
Law Firm:                      The Gallagher Firm, LLC  
Address:                        The Gallagher Firm LLC  
   436 Seventh Ave 31st Fl  
   Pittsburgh, PA 15219

Phone No:                      (412) 308-5512                      Fax No:

Attorney:                      King, Thomas W., III  
Law Firm:                      Dillon, McCandless, King, Coulter & Graham, LLP  
Address:                        Dillon Mccandless Et Al  
   128 W Cunningham St  
   Butler, PA 16001-5742

Phone No:                      (724) 283-2200                      Fax No:

Attorney:                      Gore, John M.  
Law Firm:                      Jones Day  
Address:                        51 Louisiana Avenue, N.W.  
   Washington, DC 20001

Phone No:                      (202) 879-3939                      Fax No:

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## COUNSEL INFORMATION

Appellee Philadelphia County Board of Elections

Pro Se: No

IFP Status:

Attorney: Stohr, Alison L.  
 Law Firm: PHILADELPHIA LAW DEPARTMENT  
 Address: 1515 Arch St 15th Fl  
 Philadelphia, PA 19102  
 Phone No: (215) 817-4365 Fax No:

Attorney: Eisenstein, Ilana H.  
 Law Firm: DLA Piper LLP (US)  
 Address: Dla Piper Llp  
 1650 Market St Ste 5000  
 Philadelphia, PA 19103  
 Phone No: (215) 656-3351 Fax No:

Attorney: Benjet, Brian Howard  
 Law Firm: DLA Piper  
 Address: Dla Piper Llp  
 1650 Market St Ste 5000  
 Philadelphia, PA 19103-7300  
 Phone No: (215) 656-3311 Fax No:

Attorney: Furst, Lydia Maureen  
 Law Firm: City of Philadelphia Law Department  
 Address: 1515 Arch St  
 15th Floor  
 Philadelphia, PA 19102  
 Phone No: (215) 683-3573 Fax No:

Attorney: Fabens-Lassen, Ben Caldwell  
 Law Firm: DLA Piper LLP (US)  
 Address: 1650 Market St  
 Ste 5000  
 Philadelphia, PA 19103  
 Phone No: (215) 656-3325 Fax No:

Attorney: Pfautz, Michael Wu-Kung  
 Law Firm: Philadelphia Law Department  
 Address: City Of Philadelphia Law Dept  
 1515 Arch St Fl 15  
 Philadelphia, PA 19102  
 Phone No: (215) 683-5233 Fax No:

Attorney: Josefovits, M. David  
 Law Firm: DLA Piper LLP (US)  
 Address: Dla Piper Llp Us  
 1650 Market St Ste 5000  
 Philadelphia, PA 19103  
 Phone No: (347) 907-1339 Fax No:

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## COUNSEL INFORMATION

Appellee Kinniry, Susan T.

Pro Se: No

IFP Status:

Attorney: De Palma, Claudia  
 Law Firm: Public Interest Law Center (The)  
 Address: 1500 JFK Blvd, Suite 802  
 Philadelphia, PA 19102  
 Phone No: (267) 546-1313 Fax No:

Attorney: McKenzie, Mary M.  
 Law Firm: Public Interest Law Center (The)  
 Address: Public Interest Law Center Two Penn Center  
 1500 Jfk Blvd Ste 802  
 Philadelphia, PA 19102  
 Phone No: (267) 546-1319 Fax No:

Attorney: Schneider, Marian Karen  
 Law Firm: ACLU of Pennsylvania, Pittsburgh  
 Address: Po Box 60173  
 Philadelphia, PA 19102  
 Phone No: (610) 420-0632 Fax No:

Attorney: Walczak, Witold J.  
 Law Firm: ACLU of Pennsylvania, Pittsburgh  
 Address: P.o. Box 23058  
 Pittsburgh, PA 15222  
 Phone No: (412) 681-7864 Fax No:

Attorney: Loney, Stephen Allen  
 Law Firm: ACLU of Pennsylvania  
 Address: P.o. Box 60173  
 Philadelphia, PA 19102  
 Phone No: (215) 592-1513 Fax No:

Attorney: Geffen, Benjamin David  
 Law Firm: Public Interest Law Center (The)  
 Address: Public Interest Law Center  
 2 Penn Center, 1500 Jfk Blvd Ste 802  
 Philadelphia, PA 19102  
 Phone No: (267) 546-1308 Fax No:

Attorney: Steiker-Ginzberg, Kate Ilana  
 Law Firm: ACLU of Pennsylvania  
 Address: Po Box 60173  
 Philadelphia, PA 19102  
 Phone No: (917) 444-6803 Fax No:



COUNSEL INFORMATION

Appellee Baxter, Brian T.

Pro Se: No

IFP Status:

Attorney: De Palma, Claudia
Law Firm: Public Interest Law Center (The)
Address: 1500 JFK Blvd, Suite 802 Philadelphia, PA 19102
Phone No: (267) 546-1313 Fax No:

Attorney: McKenzie, Mary M.
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Attorney: Schneider, Marian Karen
Law Firm: ACLU of Pennsylvania, Pittsburgh
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Phone No: (610) 420-0632 Fax No:

Attorney: Walczak, Witold J.
Law Firm: ACLU of Pennsylvania, Pittsburgh
Address: P.o. Box 23058 Pittsburgh, PA 15222
Phone No: (412) 681-7864 Fax No:

Attorney: Loney, Stephen Allen
Law Firm: ACLU of Pennsylvania
Address: P.o. Box 60173 Philadelphia, PA 19102
Phone No: (215) 592-1513 Fax No:

Attorney: Geffen, Benjamin David
Law Firm: Public Interest Law Center (The)
Address: Public Interest Law Center 2 Penn Center, 1500 Jfk Blvd Ste 802 Philadelphia, PA 19102
Phone No: (267) 546-1308 Fax No:

Attorney: Steiker-Ginzberg, Kate Ilana
Law Firm: ACLU of Pennsylvania
Address: Po Box 60173 Philadelphia, PA 19102
Phone No: (917) 444-6803 Fax No:

FEE INFORMATION

Table with 5 columns: Fee Dt, Fee Name, Fee Amt, Receipt Dt, Receipt No, Receipt Amt. Row 1: 10/03/2024, Notice of Appeal, 90.25, 10/07/2024, 2024-CMW-H-001513, 90.25

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**AGENCY/TRIAL COURT INFORMATION**

Order Appealed From: September 27, 2024      Notice of Appeal Filed: October 3, 2024  
 Order Type: Lower Court Order  
 Documents Received: October 3, 2024

Court Below: Philadelphia County Court of Common Pleas  
 County: Philadelphia      Division: Philadelphia County Civil Division  
 Judge: Crumlish, James C., III      OTN:  
 Docket Number: September Term, 2024 NO. 02481      Judicial District: 01

**ORIGINAL RECORD CONTENT**

Original Record Item	Filed Date	Content Description
Testimony	October 04, 2024	
Trial Court Record	October 10, 2024	
Trial Court Opinion	October 10, 2024	

**Date of Remand of Record:**

**BRIEFING SCHEDULE**

None

None

**DOCKET ENTRY**

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>October 3, 2024</b>	Notice of Appeal Filed Republican National Committee Republican Party of Pennsylvania		Appellant Appellant	
<b>October 3, 2024</b>	Consolidated - Same Record Below Commonwealth Court			
<b>October 3, 2024</b>	Order Filed Per Curiam			10/03/2024
	Document Name: Consolidation Order 1305 & 1309 CD 2024 /Scheduling Order			

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## DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
	<p>Comment: NOW, October 3, 2024, it is ORDERED as follows:</p> <ol style="list-style-type: none"> <li>The above appeals are consolidated sua sponte. All further filings in these consolidated matters shall be captioned as set forth above. The Philadelphia County Board of Elections and the Republican National Committee and Republican Party of Pennsylvania are Designated Appellants.</li> <li>Designated Appellants shall each file a Statement of Issues to be Presented on Appeal by October 8, 2024, at 12:00 p.m., in the Prothonotary's Office in Harrisburg. The Statement of Issues may be filed in person or through the Court's electronic filing system (PACFile). The Statement of Issues may not be filed by facsimile without express prior permission from the Court. The Statement of Issues shall be served on all parties and the presiding judge in the Court of Common Pleas of Philadelphia County (trial court), and a proof of service shall be promptly filed with the Court.</li> <li>The trial court shall no later than October 10, 2024, at 12:00 p.m., transmit to this Court the record in this matter, including an opinion or statement in support of its order and the hearing transcript. Transmission shall not be delayed by proceeding under Pa.R.A.P. 1925(b).</li> <li>Designated Appellants and Appellees shall file (4 copies) and serve (1 copy) simultaneous briefs on the merits of the appeal no later than October 15, 2024, at 12:00 p.m., in the Prothonotary's Office in Harrisburg. Briefs may be filed in person or through the Court's electronic filing system (PACFile). Briefs may not be filed by facsimile without express prior permission from the Court. If a brief is filed through the Court's electronic filing system, the party or counsel shall also provide the Prothonotary's Office within one business day, 3 paper copies of the brief.</li> <li>Motions may not be filed by facsimile without the express prior permission of the Court.</li> <li>Designated Appellants are excused from filing reproduced records.</li> <li>These appeals shall be submitted for decision on the briefs filed without oral argument, unless otherwise ordered.</li> <li>In addition to transmitting and mailing copies of this Order to counsel of record and any pro se party, the Prothonotary is directed to transmit and mail a copy to the Honorable James C. Crumlish, III, of the Philadelphia County Court of Common Pleas and to the Office of Judicial Records - Civil of that court.</li> </ol>			
<b>October 3, 2024</b>	Entry of Appearance			
	Geffen, Benjamin David	Baxter, Brian T.	Appellee	
	Geffen, Benjamin David	Kinniry, Susan T.	Appellee	
	Document Name: Attorney Benjamin D. Geffen for Designated Appellees Brian T. Baxter & Susan T. Kinniry			
<b>October 4, 2024</b>	Entry of Appearance			
	Schneider, Marian Karen	Baxter, Brian T.	Appellee	
	Schneider, Marian Karen	Kinniry, Susan T.	Appellee	
	Document Name: Attorney Marian K. Schneider for Designated Appellees Brian T. Baxter & Susan T. Kinniry			
<b>October 4, 2024</b>	Entry of Appearance			
	Steiker-Ginzberg, Kate Ilana	Baxter, Brian T.	Appellee	
	Steiker-Ginzberg, Kate Ilana	Kinniry, Susan T.	Appellee	
	Document Name: Attorney Kate Steiker-Ginzberg for Designated Appellees Brian T. Baxter & Susan T. Kinniry			
<b>October 4, 2024</b>	Entry of Appearance			
	Walczak, Witold J.	Baxter, Brian T.	Appellee	
	Walczak, Witold J.	Kinniry, Susan T.	Appellee	
	Document Name: Attorney Witold J. Walczak for Designated Appellees Brian T. Baxter & Susan T. Kinniry			

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## DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>October 4, 2024</b>	Transcripts of Testimony Court Reporters, Digital Recording, and Interpreters Administration - First Judicial District of Pennsylvania			
<b>October 7, 2024</b>	Entry of Appearance McKenzie, Mary M. McKenzie, Mary M.	Baxter, Brian T. Kinniry, Susan T.	Appellee Appellee	
	Document Name: Atty. McKenzie for Appellees Baxter and Kinniry			
<b>October 7, 2024</b>	Application for Relief Loney, Stephen Allen Loney, Stephen Allen	Baxter, Brian T. Kinniry, Susan T.	Appellee Appellee	
	Document Name: Appellees' Application for Expedited Briefing Schedule			
<b>October 8, 2024</b>	Filed - Other Gallagher, Kathleen A. Gallagher, Kathleen A.	Republican Party of Pennsylvania Republican National Committee	Appellant Appellant	
	Document Name: Republican Appellants' Statement of Issues			
<b>October 8, 2024</b>	Filed - Other McKenzie, Mary M. McKenzie, Mary M.	Baxter, Brian T. Kinniry, Susan T.	Appellee Appellee	
	Document Name: Notice of Family Relation with Judge			
<b>October 8, 2024</b>	Filed - Other Stohr, Alison L.	Philadelphia County Board of Electic	Appellee	
	Document Name: Philadelphia County Bd. of Elections' Statement of Issues			
<b>October 8, 2024</b>	Answer to Application for Relief Gallagher, Kathleen A. Gallagher, Kathleen A.	Republican Party of Pennsylvania Republican National Committee	Appellant Appellant	
	Document Name: Republican Appellants' Opposition to Expedited Briefing			
<b>October 8, 2024</b>	Order Granting Application for Relief Per Curiam			10/08/2024
	Document Name: IN PART/ Parties Briefs are due Oct. 14, 2024, 12:00 Noon			
	Comment: NOW, October 8, 2024, upon review of the October 7, 2024 Application for Expedited Briefing Schedule (Application) filed by Brian T. Baxter and Susan T. Kinniry, which the Philadelphia Board of Elections does not oppose, and the Answer in Opposition to Expedite Briefing filed on behalf of the Republican National Committee and Republican Party of Pennsylvania, the Application is GRANTED in part. Designated Appellants and Appellees shall file an electronic copy and serve (1 copy) simultaneous briefs on the merits of the appeal no later than Monday, October 14, 2024, at 12:00 p.m., in the Prothonotary's Office through the Court's electronic filing system. (PAC-file). Counsel shall also provide the Prothonotary's Office within one business day 8 paper copies of the brief. The remainder of the Court's October 3, 2024 Order remains in full force and effect.			



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## DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>October 9, 2024</b>	Entry of Appearance Josefovits, M. David Eisenstein, Ilana H. Benjet, Brian Howard Fabens-Lassen, Ben Caldwell	Philadelphia County Board of Electic Appellee Philadelphia County Board of Electic Appellee Philadelphia County Board of Electic Appellee Philadelphia County Board of Electic Appellee		
	Document Name: Attys. Benjet, Eisenstein and Faben-Lassen for Phila. Co. Bd. of Elections			
<b>October 10, 2024</b>	Trial Court Record Received Philadelphia County Civil Division			
<b>October 10, 2024</b>	Trial Court Opinion Received Philadelphia County Civil Division			
<b>October 10, 2024</b>	Certificate of Service Filed Loney, Stephen Allen Loney, Stephen Allen	Baxter, Brian T. Kinniry, Susan T.	Appellee Appellee	
	Document Name: Service on Atty. General			
<b>October 14, 2024</b>	Memorandum of Law Filed Eisenstein, Ilana H.	Philadelphia County Board of Electic Appellee		
	Document Name: Designated Apt. Brief			
<b>October 23, 2024</b>	Application to be Admitted Pro Hac Vice Filed Gallagher, Kathleen A. Gallagher, Kathleen A.	Republican Party of Pennsylvania Republican National Committee	Appellant Appellant	
	Document Name: PHV - John Gore, Esq.			
<b>October 25, 2024</b>	Order Granting Application to be Admitted Pro Hac Vice Per Curiam			10/25/2024
	Document Name: John M. Gore, Esq. is admitted Pro Hac Vice for Republican Party Appellants			
	Comment: NOW, October 25, 2024, upon consideration of Kathleen A. Gallagher, Esquire's Application for Admission Pro Hac Vice for John M. Gore, Esquire on behalf of Appellants Republican National Committee and Republican Party of Pennsylvania, it is hereby ordered: (1) John M. Gore, Esquire 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 Appellants Republican National Committee and Republican Party of Pennsylvania in this matter; (2) John M. Gore, Esquire shall abide by the rules of this Court including all disciplinary rules; (3) John M. Gore, Esquire 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) Kathleen A. Gallagher, Esquire, the moving attorney herein, shall continue to be responsible as counsel of record for the conduct of this matter on behalf of Appellants Republican National Committee and Republican Party of Pennsylvania.			

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## Commonwealth Court of Pennsylvania

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## DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>October 30, 2024</b>	Affirmed Ceisler, Ellen			10/30/2024
	Document Name: Memorandum Opinion : Orders of Philadelphia County Court of Common Pleas are AFFIRMED.			
	Comment: AND NOW, this 30th day of October, 2024, the Court of Common Pleas of Philadelphia County's (trial court) September 26 and September 28, 2024 orders are AFFIRMED. The Philadelphia County Board of Elections is ORDERED to count the undated mail-in ballots cast by Designated Appellees Brian T. Baxter and Susan T. Kinniry, and the absentee and mail-in ballots cast by the other 67 qualified electors whose ballots were rejected due to outer envelope dating errors, in the September 17, 2024 Special Election in the 195th and 201st Legislative Districts in Philadelphia County, and take any other steps necessary in accordance with the parties' Consent Order of Court entered by the trial court on September 25, 2024.			
	[10/30/2024 - Subsequent to the Memorandum Opinion being docketed, Court staff realized that the Supreme Court's August 27, 2024 Order (temporarily modifying the appeal period in matters related to the November 5, 2024 General Election) was erroneously appended to the docket entry. See Memorandum Opinion at p. 13, n. 16. Accordingly, the Supreme Court's Order has been removed from this docket entry.]			
<b>October 31, 2024</b>	Filed - Other Republican National Committee Republican Party of Pennsylvania		Appellant Appellant	
	Document Name: 76-77 EM 2024.Application for Extraordinary Relief.			
<b>November 1, 2024</b>	Order Filed Supreme Court of Pennsylvania			11/01/2024
	Document Name: 76-77 EM 2024-Order Granting Emergency App. for Extraordinary Relief Pending Filing of PAA.			
	Comment: AND NOW, this 1st day of November, 2024, the Emergency Application for Extraordinary Relief Pending Filing of Petition for Allowance of Appeal is GRANTED only [76 and 77 EM 2024] - 2 to the extent that the Commonwealth Court's decision docketed at 1305 C.D. 2024 and 1309 C.D. 2024 is stayed and shall not be applied to the November 5, 2024 General Election. This stay is entered without prejudice to the filing and due consideration on the merits of any petition for allowance of appeal that the parties may file or the disposition of an appeal should this Court grant such petition. The Application for Leave to File Amicus Brief on Behalf of Restoring Integrity and Trust in Elections, Inc. and the Application for Leave to File Amicus Brief by Pennsylvania Department of State and Secretary of the Commonwealth Al Schmidt are GRANTED. The Proposed Intervenor-Respondents' Combined Application to Intervene and Response to the RNC's and RPP's Emergency Stay Application by the Democratic National Committee and Pennsylvania Democratic Party is DENIED as moot without prejudice to renew their request in connection with any forthcoming petition for allowance of appeal or appeal in the above-captioned matter.			
	Justice Donohue files a concurring statement in which Chief Justice Todd joins .			
	Justice Dougherty files a concurring statement.			

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**DOCKET ENTRY**

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>November 12, 2024</b>	Petition for Allowance of Appeal to PA Supreme Court Filed Republican National Committee Republican Party of Pennsylvania Document Name: 395-396 EAL 2024 Comment: 395 EAL 2024		Appellant Appellant	
<b>November 27, 2024</b>	Application to Publish Opinion De Palma, Claudia De Palma, Claudia Document Name: Voter-Appellees' Application to Report Unreported Opinion	Baxter, Brian T. Kinniry, Susan T.	Appellee Appellee	
<b>December 2, 2024</b>	Answer Filed Gallagher, Kathleen A. Gallagher, Kathleen A. Document Name: Republican Party Appellants' Opposition to Application to Report Opinion	Republican Party of Pennsylvania Republican National Committee	Appellant Appellant	
<b>January 17, 2025</b>	Order Filed Supreme Court of Pennsylvania Document Name: 1-2 EAP 2025-PAA GRANTED. Record electronically transmitted to Supreme Court docket by Comment: Supreme Court, Eastern District.			01/17/2025

**SESSION INFORMATION**

Journal Number: SE-017a-2024  
 Consideration Type: Submitted Briefs-EnBanc  
 Listed/Submitted Date: October 15, 2024

**Panel Composition:**

The Honorable Renee Cohn Jubelirer	President Judge
The Honorable Patricia A. McCullough	Judge
The Honorable Michael H. Wojcik	Judge
The Honorable Ellen Ceisler	Judge
The Honorable Matthew S. Wolf	Judge

**DISPOSITION INFORMATION**

Final Disposition: Yes	Judgment Date:
Related Journal No:	Disposition Author: Ceisler, Ellen
Category: Decided	Disposition Date: October 30, 2024
Disposition: Affirmed	



## DISPOSITION INFORMATION

Disposition Comment: AND NOW, this 30th day of October, 2024, the Court of Common Pleas of Philadelphia County's (trial court) September 26 and September 28, 2024 orders are AFFIRMED. The Philadelphia County Board of Elections is ORDERED to count the undated mail-in ballots cast by Designated Appellees Brian T. Baxter and Susan T. Kinniry, and the absentee and mail-in ballots cast by the other 67 qualified electors whose ballots were rejected due to outer envelope dating errors, in the September 17, 2024 Special Election in the 195th and 201st Legislative Districts in Philadelphia County, and take any other steps necessary in accordance with the parties' Consent Order of Court entered by the trial court on September 25, 2024.

[10/30/2024 - Subsequent to the Memorandum Opinion being docketed, Court staff realized that the Supreme Court's August 27, 2024 Order (temporarily modifying the appeal period in matters related to the November 5, 2024 General Election) was erroneously appended to the docket entry. See Memorandum Opinion at p. 13, n. 16. Accordingly, the Supreme Court's Order has been removed from this docket entry.]

Dispositional Filing: Filed Date:	<b>Memorandum Opinion</b> 10/30/2024 12:00:00AM	Filing Author:	Ceisler, Ellen
Dispositional Filing: Filed Date:	<b>Dissenting Opinion</b> 10/30/2024 12:00:00AM	Filing Author:	Wolf, Matthew S.
Dispositional Filing: Filed Date:	<b>Dissenting Opinion</b> 10/30/2024 12:00:00AM	Filing Author:	McCullough, Patricia A.