

**Commonwealth Docket Sheet**

**Docket Number: 1309 CD 2024**

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**October 16, 2024**



**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: Active  
Case Processing Status: October 10, 2024 Awaiting Paperbooks  
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<br>Same Record Below | Consolidated | 1305 CD 2024<br>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:





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
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Attorney: Pfautz, Michael Wu-Kung
Law Firm: Philadelphia Law Department
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Phone No: (215) 683-5233 Fax No:

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



COUNSEL INFORMATION

Appellee Kinniry, Susan T.

Pro Se: No

IFP Status:

Attorney: De Palma, Claudia
Law Firm: Public Interest Law Center (The)
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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)
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Phone No: (267) 546-1308 Fax No:

Attorney: Steiker-Ginzberg, Kate Ilana
Law Firm: ACLU of Pennsylvania
Address: Po Box 60173 Philadelphia, PA 19102
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COUNSEL INFORMATION

Appellee Baxter, Brian T.

Pro Se: No

IFP Status:

Attorney: De Palma, Claudia
Law Firm: Public Interest Law Center (The)
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Phone No: (267) 546-1313 Fax No:

Attorney: McKenzie, Mary M.
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Phone No: (267) 546-1319 Fax No:

Attorney: Schneider, Marian Karen
Law Firm: ACLU of Pennsylvania, Pittsburgh
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Attorney: Walczak, Witold J.
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Phone No: (267) 546-1308 Fax No:

Attorney: Steiker-Ginzberg, Kate Ilana
Law Firm: ACLU of Pennsylvania
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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<br>Republican National Committee<br>Republican Party of Pennsylvania |              | Appellant<br>Appellant |            |
| <b>October 3, 2024</b> | Consolidated - Same Record Below<br>Commonwealth Court                                      |              |                        |            |
| <b>October 3, 2024</b> | Order Filed<br>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<br>Court Reporters, Digital<br>Recording, and Interpreters<br>Administration - First Judicial<br>District of Pennsylvania   |   |                        |            |
| <b>October 7, 2024</b> | Entry of Appearance<br>McKenzie, Mary M.<br>McKenzie, Mary M.  | Baxter, Brian T.<br>Kinniry, Susan T.                             | Appellee<br>Appellee   |            |
|                        | Document Name: Atty. McKenzie for Appellees Baxter and Kinniry   |   |                        |            |
| <b>October 7, 2024</b> | Application for Relief<br>Loney, Stephen Allen<br>Loney, Stephen Allen   | Baxter, Brian T.<br>Kinniry, Susan T.                             | Appellee<br>Appellee   |            |
|                        | Document Name: Appellees' Application for Expedited Briefing Schedule  |   |                        |            |
| <b>October 8, 2024</b> | Filed - Other<br>Gallagher, Kathleen A.<br>Gallagher, Kathleen A.  | Republican Party of Pennsylvania<br>Republican National Committee | Appellant<br>Appellant |            |
|                        | Document Name: Republican Appellants' Statement of Issues  |   |                        |            |
| <b>October 8, 2024</b> | Filed - Other<br>McKenzie, Mary M.<br>McKenzie, Mary M.  | Baxter, Brian T.<br>Kinniry, Susan T.                             | Appellee<br>Appellee   |            |
|                        | Document Name: Notice of Family Relation with Judge  |   |                        |            |
| <b>October 8, 2024</b> | Filed - Other<br>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<br>Gallagher, Kathleen A.<br>Gallagher, Kathleen A.   | Republican Party of Pennsylvania<br>Republican National Committee | Appellant<br>Appellant |            |
|                        | Document Name: Republican Appellants' Opposition to Expedited Briefing   |   |                        |            |
| <b>October 8, 2024</b> | Order Granting Application for Relief<br>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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| Filed Date              | Docket Entry / Filer   | Representing   | Participant Type     | Exit Date |
|-------------------------|--|--|----------------------|-----------|
| <b>October 9, 2024</b>  | Entry of Appearance<br>Josefovits, M. David<br>Eisenstein, Ilana H.<br>Benjet, Brian Howard<br>Fabens-Lassen, Ben Caldwell | Philadelphia County Board of Electic Appellee<br>Philadelphia County Board of Electic Appellee<br>Philadelphia County Board of Electic Appellee<br>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<br>Philadelphia County Civil Division  |  |                      |           |
| <b>October 10, 2024</b> | Trial Court Opinion Received<br>Philadelphia County Civil Division   |  |                      |           |
| <b>October 10, 2024</b> | Certificate of Service Filed<br>Loney, Stephen Allen<br>Loney, Stephen Allen   | Baxter, Brian T.<br>Kinniry, Susan T.  | Appellee<br>Appellee |           |
|                         | Document Name: Service on Atty. General  |  |                      |           |
| <b>October 14, 2024</b> | Memorandum of Law Filed<br>Eisenstein, Ilana H.  | Philadelphia County Board of Electic Appellee  |                      |           |
|                         | Document Name: Designated Apt. Brief   |  |                      |           |

## SESSION INFORMATION

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