

Miscellaneous Docket Sheet

Docket Number: 258 MD 2023

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October 4, 2023



CAPTION

Joy Schwartz, and Gregory Stenstrom, and Leah Hoopes, and Paul Rumley, Petitioners

v.

Acting Secretary of the Commonwealth of Pennsylvania Al Schmidt and Delaware County and Delaware County Park Police Department and James Allen, Delaware County Director of Elections, in his personal capacity and John S. Diehl, Delaware County Park Police Chief, in his personal capacity, Respondents

CASE INFORMATION

Initiating Document: Petition for Review

Case Status: Closed

Case Processing Status: July 12, 2023 Completed

Journal Number:

Case Category: Civil Case Type(s): Equity

CONSOLIDATED CASES

RELATED CASES

COUNSEL INFORMATION

Petitioner Stenstrom, Gregory

Pro Se: Yes

IFP Status:

Pro Se: Gregory Stenstrom
Address: 1541 Farmers Lane
Glen Mills, PA 19342
Phone No: (856) 264-5495

Fax No:

Petitioner Schwartz, Joy

Pro Se: Yes

IFP Status:

Pro Se: Joy Schwartz
Address: 514 Lombardy Road
Drexil Hill, PA 19026

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COUNSEL INFORMATION

Petitioner Rumley, Paul

Pro Se: Yes

IFP Status:

Pro Se: Paul Rumley
 Address: 1038 Crozer Place
 Springfield, PA 19064

Petitioner Hoopes, Leah

Pro Se: Yes

IFP Status:

Pro Se: Leah Hoopes
 Address: 241 Sulky Way
 Chadds Ford, PA 19317

Respondent Schmidt, Al

Pro Se: No

IFP Status:

Attorney: Mullen, Kathleen Ann
 Law Firm: Pennsylvania Governor's Office of General Counsel
 Address: Dept of State
 306 N Office Building
 Harrisburg, PA 17120-0102
 Phone No: (717) 743-7563 Fax No:

Attorney: Kovatis, Stephen Ronald
 Law Firm: Pennsylvania Office of General Counsel
 Address: Pa Office Of General Counsel
 333 Market St 17th Fl
 Harrisburg, PA 17101
 Phone No: (717) 602-0943 Fax No:

Respondent Diehl, John S.

Pro Se: No

IFP Status:

Attorney: Centrella, Nicholas Michael, Jr.
 Law Firm: Duane Morris LLP
 Address: 30 S 17TH St
 Philadelphia, PA 19103
 Phone No: (215) 979-1850 Fax No:

Attorney: Parks, James Manly
 Law Firm: Duane Morris LLP
 Address: 30 South 17th Street
 Philadelphia, PA 19103-4196
 Phone No: (215) 979-1342 Fax No:

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COUNSEL INFORMATION

Respondent Delaware County Park Police Department

Pro Se: No

IFP Status:

Attorney: Martin, William F.
Law Firm: Delaware County Solicitor's Office
Address: County Of Delaware
201 W Front St
Media, PA 19063
Phone No: (610) 891-4074 Fax No:

Attorney: Parks, James Manly
Law Firm: Duane Morris LLP
Address: 30 South 17th Street
Philadelphia, PA 19103-4196
Phone No: (215) 979-1342 Fax No:

Attorney: Centrella, Nicholas Michael, Jr.
Law Firm: Duane Morris LLP
Address: 30 S 17TH St
Philadelphia, PA 19103
Phone No: (215) 979-1850 Fax No:

Respondent Delaware County

Pro Se: No

IFP Status:

Attorney: Martin, William F.
Law Firm: Delaware County Solicitor's Office
Address: County Of Delaware
201 W Front St
Media, PA 19063
Phone No: (610) 891-4074 Fax No:

Attorney: Parks, James Manly
Law Firm: Duane Morris LLP
Address: 30 South 17th Street
Philadelphia, PA 19103-4196
Phone No: (215) 979-1342 Fax No:

Attorney: Centrella, Nicholas Michael, Jr.
Law Firm: Duane Morris LLP
Address: 30 S 17TH St
Philadelphia, PA 19103
Phone No: (215) 979-1850 Fax No:

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Respondent	Allen, James	
Pro Se:	No	
IFP Status:		
Attorney:	Centrella, Nicholas Michael, Jr.	
Law Firm:	Duane Morris LLP	
Address:	30 S 17TH St Philadelphia, PA 19103	
Phone No:	(215) 979-1850	Fax No:
Attorney:	Parks, James Manly	
Law Firm:	Duane Morris LLP	
Address:	30 South 17th Street Philadelphia, PA 19103-4196	
Phone No:	(215) 979-1342	Fax No:

FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
05/31/2023	Miscellaneous Docket Filing Fee	70.25	05/31/2023	2023-CMW-H-001012	70.25

AGENCY/TRIAL COURT INFORMATION

Order Appealed From:	Notice of Appeal Filed:
Order Type:	
Documents Received:	May 31, 2023

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
Hoopes, Leah Brief	Allen, James Brief
Rumley, Paul Brief	Delaware County Brief
Schwartz, Joy Brief	Delaware County Park Police Department Brief
Stenstrom, Gregory Brief	Diehl, John S. Brief
	Schmidt, AI Brief

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BRIEFING SCHEDULE

Respondent

Schmidt, Al

Brief

Due:

Filed: July 10, 2023

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
May 31, 2023	Petition for Review Filed			
	Schwartz, Joy		Petitioner	
	Stenstrom, Gregory		Petitioner	
	Hoopes, Leah		Petitioner	
June 1, 2023	Rumley, Paul		Petitioner	
	Amended - Petition for Review			
	Schwartz, Joy		Petitioner	
	Stenstrom, Gregory		Petitioner	
June 1, 2023	Hoopes, Leah		Petitioner	
	Rumley, Paul		Petitioner	
	Application for Emergency Relief			
	Schwartz, Joy		Petitioner	
June 1, 2023	Stenstrom, Gregory		Petitioner	
	Hoopes, Leah		Petitioner	
	Rumley, Paul		Petitioner	
	Document Name: Request for Emergency Special ans Summary Relief			
June 1, 2023	Certificate of Service Filed			
	Schwartz, Joy		Petitioner	
	Stenstrom, Gregory		Petitioner	
	Hoopes, Leah		Petitioner	
June 1, 2023	Rumley, Paul		Petitioner	
	Document Name: Proof of Service of Petition and Application for Emergency Relief			
June 1, 2023	Notice Exited			
	Commonwealth Court Filing			
	Office			

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
June 2, 2023	Order Filed Per Curiam			06/02/2023
	Document Name: Directing Petitioners to make proper service			
	Comment: NOW, June 2, 2023, upon review of this matter, the Court notes that Petitioners have not properly served their amended Petition and Request for Emergency Injunctive Relief (Petition), or their Request for Emergency Special and Summary Relief (Emergency Application), on Respondent Acting Secretary of the Commonwealth of Pennsylvania Al Schmidt at his correct address, 1 or the Attorney General of Pennsylvania. Accordingly, pursuant to Pa.R.A.P. 1514(c), Petitioners shall serve the Petition, and a copy of this Order, upon the Acting Secretary at his proper address, located at 302 North Office Building, 401 North Street, Harrisburg, PA 17120, and the Attorney General. Petitioners shall simultaneously serve the Emergency Application on the Acting Secretary at his proper address and the Attorney General in accordance with Pa.R.A.P. 121. Petitioners shall then file a proof of service with the Prothonotary indicating that proper service of the Petition, a copy of this Order, and the Emergency Application has been made on the Acting Secretary and the Attorney General no later than Friday, June 9, 2023. In accordance with Pa.R.A.P. 122, the proof of service shall include the name, address, and telephone number of the person(s) making service, including delivery of personal service.			
	1 Petitioners appear to have served the Acting Secretary at the Board of Professional and Occupational Affairs' address.			
June 2, 2023	Certificate of Service Filed Schwartz, Joy Stenstrom, Gregory Hoopes, Leah Rumley, Paul		Petitioner Petitioner Petitioner Petitioner	
	Document Name: Amended In Compliance with Order			
June 4, 2023	Application for Emergency Relief Schwartz, Joy Stenstrom, Gregory Hoopes, Leah Rumley, Paul		Petitioner Petitioner Petitioner Petitioner	
	Document Name: Amended			
June 6, 2023	Order Filed Per Curiam			06/06/2023
	Document Name: Petitioners' Mem of Law in Support of Emergency Relief Due 6/20/23 / Answers due 7/5/23			
	Comment: NOW, June 6, 2023, upon consideration of Petitioners' Second Request for Emergency Special and Summary Relief (Emergency Application), filed on June 4, 2023, it is hereby ORDERED that Petitioners shall file and serve a memorandum of law in support of their Emergency Application by no later than Tuesday, June 20, 2023. Any Respondent who opposes the pending Emergency Application shall file and serve an answer in opposition thereto, with an accompanying memorandum of law, by no later than Wednesday, July 5, 2023. Any Respondent who fails to file an answer and memorandum of law by that date will be considered by the Court to be unopposed to the relief requested in the Emergency Application. Petitioners shall promptly serve a copy of this Order on Respondents and thereafter promptly file a proof of service of same with the Court.			

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
June 9, 2023	Hearing Scheduled Per Curiam			06/09/2023

Document Name: Hearing on Application for Emergency Relief Scheduled for July 11, 2023, 1:30pm, PJC Harrisburg

Comment: NOW, June 9, 2023, upon consideration of Petitioners' Second Request for Emergency Special and Summary Relief (Emergency Application), filed on June 4, 2023, it is hereby ORDERED as follows:

- Hearing on Petitioners' Emergency Application is scheduled for Tuesday, July 11, 2023, at 1:30 p.m., in Courtroom 3001, Third Floor, Pennsylvania Judicial Center, 601 Commonwealth Avenue, Harrisburg, Pennsylvania.
- By no later than Thursday, July 6, 2023, the parties each shall file and serve a prehearing memorandum setting forth their respective witness list, the curriculum vitae and expert report for any expert witness, and a list of exhibits, and contemporaneously exchange their exhibits (pre-marked) for use during the hearing.
- A prehearing status conference is scheduled for Friday, July 7, 2023, at 10:00 a.m., by telephone conference call, for the purpose of providing the Court with a status update regarding the requested records at issue in this case and to discuss the logistics of the hearing scheduled for July 11, 2023. The Court will contact Petitioners and lead counsel for Respondents to provide call-in information for the conference call.
Petitioners shall promptly serve a copy of this Order on Respondents and thereafter promptly file a proof of service of same with the Court.

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June 9, 2023	Order Filed Per Curiam			06/09/2023
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Document Name: Decorum Order

Comment: NOW, June 9, 2023, after consultation with the Capitol Police and the Administrative Office of Pennsylvania Courts (AOPC) regarding the hearing on Petitioners' Second Request for Emergency Special and Summary Relief (Emergency Application), which is scheduled to begin on Tuesday, July 11, 2023, at 1:30 p.m., in Courtroom 3001 (Courtroom), Third Floor, Pennsylvania Judicial Center (PJC), 601 Commonwealth Avenue, Harrisburg, Pennsylvania, the Court hereby ORDERS as follows:

1. Decorum shall be maintained at all times by all persons present in the PJC and/or in the Courtroom.
2. Seating for the public and media to observe the hearing will be on a "first come, first seated" basis. Ten seats will be reserved for properly credentialed members of the media until 9:50 a.m. After 9:50 a.m., any remaining reserved seats for properly credentialed members of the media in the Courtroom will be released to the public. The hearing may also be viewed via a public livestream web link that will be posted to the Court's website in advance. Broadcasting, televising, recording, and/or photographing of the proceedings, including the public livestream, is prohibited.
3. No one other than Court personnel or the Capital Police will be permitted to stand at the back of or along the sides of the Courtroom. Attorneys not involved in this case shall be treated as members of the public.
4. No signs or banners may be brought into the PJC. No company or media 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.
5. No electronic devices may be used in the Courtroom 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 Courtroom, with the exception of cellular or smart phones and watches. Cellular or smart phones and watches may be carried and/or worn into the Courtroom, but they must be turned off at all times.
6. The PJC will be open at 8:00 a.m. for the parties, counsel of record, and other authorized personnel. The Courtroom will be unlocked and available for seating approximately 30 minutes before the opening of Court. The Capitol Police will begin screening and admitting members of the media and the public approximately 30 minutes before the opening of Court.
7. Persons who fail to comply with this Order or maintain proper courtroom decorum may be removed by Court personnel or the Capitol Police.
8. AOPC's Director of Communications, Stacey Witalec, is the media liaison. She can be reached at (717) 231-3334 (office) or (717) 877-2997 (cell).

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
June 9, 2023	Order Filed Per Curiam			06/09/2023
	Document Name: Amended Decorum Order			
	Comment: NOW, June 9, 2023, after consultation with the Capitol Police and the Administrative Office of Pennsylvania Courts (AOPC) regarding the hearing on Petitioners' Second Request for Emergency Special and Summary Relief (Emergency Application), which is scheduled to begin on Tuesday, July 11, 2023, at 1:30 p.m., in Courtroom 3001 (Courtroom), Third Floor, Pennsylvania Judicial Center (PJC), 601 Commonwealth Avenue, Harrisburg, Pennsylvania, the Court hereby ORDERS as follows:			
	1. Decorum shall be maintained at all times by all persons present in the PJC and/or in the Courtroom.			
	2. Seating for the public and media to observe the hearing will be on a "first come, first seated" basis. Ten seats will be reserved for properly credentialed members of the media until 1:20 p.m. After 1:20 p.m., any remaining reserved seats for properly credentialed members of the media in the Courtroom will be released to the public. The hearing may also be viewed via a public livestream web link that will be posted to the Court's website in advance. Broadcasting, televising, recording, and/or photographing of the proceedings, including the public livestream, is prohibited.			
	3. No one other than Court personnel or the Capitol Police will be permitted to stand at the back of or along the sides of the Courtroom. Attorneys not involved in this case shall be treated as members of the public.			
	4. No signs or banners may be brought into the PJC. No company or media 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.			
	5. No electronic devices may be used in the Courtroom 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 Courtroom, with the exception of cellular or smart phones and watches. Cellular or smart phones and watches may be carried and/or worn into the Courtroom, but they must be turned off at all times.			
	6. The Courtroom will be unlocked and available for seating approximately 30 minutes before the opening of Court. The Capitol Police will begin screening and admitting members of the media and the public approximately 30 minutes before the opening of Court.			
	7. Persons who fail to comply with this Order or maintain proper courtroom decorum may be removed by Court personnel or the Capitol Police.			
	8. AOPC's Director of Communications, Stacey Witalec, is the media liaison. She can be reached at (717) 231-3334 (office) or (717) 877-2997 (cell).			
June 13, 2023	Entry of Appearance			
	Centrella, Nicholas Michael, Jr.	Delaware County	Respondent	
	Centrella, Nicholas Michael, Jr.	Allen, James	Respondent	
	Centrella, Nicholas Michael, Jr.	Diehl, John S.	Respondent	
	Centrella, Nicholas Michael, Jr.	Delaware County Park Police Depart	Respondent	
	Document Name: Atty. Centrella for Delaware Co., Park Police, Allen and Diehl			
June 13, 2023	Entry of Appearance			
	Parks, James Manly	Delaware County	Respondent	
	Parks, James Manly	Allen, James	Respondent	
	Parks, James Manly	Diehl, John S.	Respondent	
	Parks, James Manly	Delaware County Park Police Depart	Respondent	
	Document Name: Atty. J. Manly Parks for Respondents			
June 21, 2023	Entry of Appearance			
	Mullen, Kathleen Ann	Schmidt, Al	Respondent	
	Document Name: Atty. Kathleen A. Mullen for Resp. Schmidt			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
June 26, 2023	Entry of Appearance Kovatis, Stephen Ronald	Schmidt, AI	Respondent	
	Document Name: of Stephn Kovatis, Esq. on behalf of Respondent			
June 28, 2023	Praecipe Schwartz, Joy Stenstrom, Gregory Hoopes, Leah Rumley, Paul		Petitioner Petitioner Petitioner Petitioner	
	Document Name: Praecipe for Nunc Pro Tunc Submission of Memorandum of Law			
June 29, 2023	Order Filed Per Curiam			06/29/2023
	Document Name: Praecipe for Nunc Pro Tunc Sumbission of Memo of Law is Granted/ Memo of Law Accepted			
	Comment: NOW, June 29, 2023, upon consideration of Petitioners' Praecipe for Nunc Pro Tunc Submission of Memorandum of Law (Praecipe), filed on June 28, 2023, in which Petitioners request that the Court accept, nunc pro tunc, their Memorandum of Law in Support of Rule 1532 Application for Special and Summary Relief (Memorandum of Law) that was due by no later than Tuesday, June 20, 2023, the Court hereby ORDERS that the Memorandum of Law is accepted for filing. The Prothonotary is directed to separately docket Petitioners' Memorandum of Law, which was included with Petitioners' Praecipe.			
June 29, 2023	Memorandum of Law Filed Schwartz, Joy Stenstrom, Gregory Hoopes, Leah Rumley, Paul		Petitioner Petitioner Petitioner Petitioner	
	Document Name: Petitioner's			
June 30, 2023	Application to Amend Schwartz, Joy Stenstrom, Gregory Hoopes, Leah Rumley, Paul		Petitioner Petitioner Petitioner Petitioner	
	Document Name: Application to Amend Petition			
June 30, 2023	Preliminary Objections Centrella, Nicholas Michael, Jr. Centrella, Nicholas Michael, Jr. Centrella, Nicholas Michael, Jr. Centrella, Nicholas Michael, Jr. Parks, James Manly Parks, James Manly Parks, James Manly Parks, James Manly	Delaware County Allen, James Diehl, John S. Delaware County Park Police Depart Allen, James Diehl, John S. Delaware County Delaware County Park Police Depart	Respondent Respondent Respondent Respondent Respondent Respondent Respondent Respondent	
	Document Name: Respondents'			

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June 30, 2023	Memorandum of Law Filed			
	Centrella, Nicholas Michael, Jr.	Delaware County	Respondent	
	Centrella, Nicholas Michael, Jr.	Allen, James	Respondent	
	Centrella, Nicholas Michael, Jr.	Diehl, John S.	Respondent	
	Centrella, Nicholas Michael, Jr.	Delaware County Park Police Depart	Respondent	
	Parks, James Manly	Allen, James	Respondent	
	Parks, James Manly	Diehl, John S.	Respondent	
	Parks, James Manly	Delaware County	Respondent	
	Parks, James Manly	Delaware County Park Police Depart	Respondent	
	Document Name: in support of Resps.' POs			
June 30, 2023	Answer Filed			
	Centrella, Nicholas Michael, Jr.	Delaware County	Respondent	
	Centrella, Nicholas Michael, Jr.	Allen, James	Respondent	
	Centrella, Nicholas Michael, Jr.	Diehl, John S.	Respondent	
	Centrella, Nicholas Michael, Jr.	Delaware County Park Police Depart	Respondent	
	Parks, James Manly	Allen, James	Respondent	
	Parks, James Manly	Diehl, John S.	Respondent	
	Parks, James Manly	Delaware County	Respondent	
	Parks, James Manly	Delaware County Park Police Depart	Respondent	
	Document Name: Resps.' Opposition to Pets.' App. for Special and Summary Relief			
June 30, 2023	Memorandum of Law Filed			
	Centrella, Nicholas Michael, Jr.	Delaware County	Respondent	
	Centrella, Nicholas Michael, Jr.	Allen, James	Respondent	
	Centrella, Nicholas Michael, Jr.	Diehl, John S.	Respondent	
	Centrella, Nicholas Michael, Jr.	Delaware County Park Police Depart	Respondent	
	Parks, James Manly	Allen, James	Respondent	
	Parks, James Manly	Diehl, John S.	Respondent	
	Parks, James Manly	Delaware County	Respondent	
	Parks, James Manly	Delaware County Park Police Depart	Respondent	
	Document Name: in support of Resps.' Opposition to Pets.' App. for Special and Summary Relief			
July 3, 2023	Preliminary Objections			
	Kovatis, Stephen Ronald	Schmidt, AI	Respondent	
	Document Name: Secretary's Preliminary Objections			
July 5, 2023	Order Filed			07/05/2023
	Per Curiam			
	Document Name: Parties shall be prepared to discuss Application to Amend at Status Conference			
	Comment: NOW, July 5, 2023, upon consideration of Petitioners' Rule 1033 Amendment Application for Leave to Amend Petition (Application to Amend), filed on June 30, 2023, it is ORDERED that the parties shall be prepared to discuss the pending Application to Amend at the prehearing status conference scheduled for Friday, July 7, 2023, at 10:00 a.m., by telephone conference call.			
July 5, 2023	Answer to Application for Emergency Relief			
	Kovatis, Stephen Ronald	Schmidt, AI	Respondent	
	Mullen, Kathleen Ann	Schmidt, AI	Respondent	
	Document Name: Resp. Schmidt's Answer to Pets.' 2nd Request for Emergency Special Relief and Summary Relief			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
July 5, 2023	Memorandum of Law Filed Kovatis, Stephen Ronald	Schmidt, Al	Respondent	
	Document Name: Brief in opposition to app for emergency special and S.R. and in supp of P.O.'s			
July 6, 2023	Filed - Other Centrella, Nicholas Michael, Jr.	Delaware County	Respondent	
	Centrella, Nicholas Michael, Jr.	Allen, James	Respondent	
	Centrella, Nicholas Michael, Jr.	Diehl, John S.	Respondent	
	Centrella, Nicholas Michael, Jr.	Delaware County Park Police Depart	Respondent	
	Document Name: County Respondents' Pre Hearing Memorandum			
July 6, 2023	Filed - Other Kovatis, Stephen Ronald	Schmidt, Al	Respondent	
	Document Name: The Secretary's Prehearing Memorandum			
July 7, 2023	Filed - Other Schwartz, Joy		Petitioner	
	Stenstrom, Gregory		Petitioner	
	Hoopes, Leah		Petitioner	
	Rumley, Paul		Petitioner	
	Document Name: Petitioners' Pre Hearing Memorandum			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
July 7, 2023	Order Filed Wojcik, Michael H.			07/07/2023
	Document Name: As Discussed at PreHearing Conference Filings Due July 10, 2023			
	Comment: NOW, July 7, 2023, following a prehearing status conference with the parties, it is hereby ORDERED as follows:			
	1. By no later than Monday, July 17, 2023, Petitioners' may file with the Court and shall serve on Respondents an amended petition for review to accompany their Rule 1033 Amendment Application for Leave to Amend Petition (Application to Amend), filed on June 30, 2023. The Application to Amend will be held in abeyance pending the Court's receipt of Petitioners' amended petition for review.			
	2. By no later than 12:00 p.m. on Monday, July 10, 2023, Petitioners shall file with the Court and serve on Respondents a response to Respondents' respective Preliminary Objections raising only lack of subject matter jurisdiction as a bar to this action. Respondents may file reply briefs to Petitioners' response to the Preliminary Objections by no later than 4:30 p.m. on Monday, July 10, 2023. The Court will hear argument on the Preliminary Objections raising lack of subject matter jurisdiction, Petitioners' response, and any reply thereto at the beginning of the hearing on Petitioners' Second Request for Emergency Special and Summary Relief, as set forth in this Court's June 9, 2023 Order.			
	3. By no later than 12:00 p.m. on Monday, July 10, 2023, Petitioners shall also file with the Court and serve on Respondents an expert report for any expert witness(es) identified in Petitioners' Pre-hearing Memorandum, filed on July 7, 2023.			
	4. As discussed at the prehearing status conference, the Court will allow remote witness testimony via WebEx video conferencing at the hearing. Accordingly, by no later than 10:00 a.m. on Monday, July 10, 2023, the parties shall file a list(s) of witnesses who will testify remotely by sending a copy of such list(s) to Catherine.Arrigo@pacourts.us ONLY. The list(s) shall include the name, email address, and telephone number for each witness who will testify remotely. The Court will provide counsel and/or witnesses with the information for connecting to the hearing.			
	5. To facilitate participation in the hearing, various WebEx applications are available for download at pacourts.webex.com. Please see the Protocol for WebEx Video Proceedings, attached to this Order. The witnesses participating remotely are directed to connect to the hearing 15 minutes before the starting time. In the event of technical questions or difficulties ONLY, please contact the Court's IT staff at 717-255-1626. All other inquiries should be directed to the Prothonotary's Office or the Office of Chief Legal Counsel.			
	6. As further discussed at the prehearing status conference, the parties are strongly encouraged to enter into stipulations of fact prior to the hearing to streamline these proceedings.			
July 10, 2023	Filed - Other Schwartz, Joy Stenstrom, Gregory Hoopes, Leah Rumley, Paul		Petitioner Petitioner Petitioner Petitioner	
	Document Name: Petitioner's Pre Hearing Memorandum			
July 10, 2023	Filed - Other Schwartz, Joy Stenstrom, Gregory Hoopes, Leah Rumley, Paul		Petitioner Petitioner Petitioner Petitioner	
	Document Name: Petitioner's Expert Report			

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
July 10, 2023	Answer Filed			
	Centrella, Nicholas Michael, Jr.	Delaware County	Respondent	
	Centrella, Nicholas Michael, Jr.	Allen, James	Respondent	
	Centrella, Nicholas Michael, Jr.	Diehl, John S.	Respondent	
	Centrella, Nicholas Michael, Jr.	Delaware County Park Police Depart	Respondent	
Document Name: Reply in Support of Opposition to Petitioners' Application for Special and Summary Relief				
July 10, 2023	Application for Relief			
	Centrella, Nicholas Michael, Jr.	Delaware County	Respondent	
	Centrella, Nicholas Michael, Jr.	Allen, James	Respondent	
	Centrella, Nicholas Michael, Jr.	Diehl, John S.	Respondent	
	Centrella, Nicholas Michael, Jr.	Delaware County Park Police Depart	Respondent	
Document Name: Motion to Exclude an/or Quash Expert Testimony				
July 10, 2023	Respondent's Brief Filed			
	Kovatis, Stephen Ronald	Schmidt, Al	Respondent	
	Mullen, Kathleen Ann	Schmidt, Al	Respondent	
	Schmidt, Al		Respondent	
Document Name: Secretary's Reply Brief in Further Support of His Preliminary Objection as to Sub. Matter Juris.				
July 11, 2023	Transfer			07/11/2023
	Wojcik, Michael H.			
Document Name: Transferred to Delaware County CCP / Secretary Dismissed as Party / Opinion to Follow				
<p>Comment: NOW, July 11, 2023, upon consideration of the Second Request for Emergency Special and Summary Relief (Emergency Application), filed by Petitioners Joy Schwartz, Gregory Stenstrom, Leah Hoopes, and Paul Rumley; the Preliminary Objections filed by the Acting Secretary of the Commonwealth of Pennsylvania Al Schmidt (Secretary), and Delaware County and Delaware County Park Police Department and James Allen, Delaware County Director of Elections, in his personal capacity and John S. Diehl, Delaware County Park Police Chief, in his personal capacity (collectively, Delaware County Respondents), and the answers and briefs in support of and/or in opposition thereto, and following argument before a single Judge of this Court on July 11, 2023, it is hereby ORDERED as follows:</p> <ol style="list-style-type: none"> 1. The first Preliminary Objection of the Secretary, and the first Preliminary Objection of Delaware County Respondents, relating to lack of subject matter jurisdiction, are SUSTAINED. See 42 Pa.C.S. § 761(a)(1); Republican National Committee v. Chapman (Pa. Cmwlth., No. 447 M.D. 2022, filed March 23, 2023), slip op. at 13-28 (single-Judge opinion) (Ceisler, J.). It is thus hereby ORDERED that the Secretary is dismissed from this action. 2. Because the Secretary's first Preliminary Objection is dispositive as to the Secretary's involvement in this case, the Secretary's remaining Preliminary Objections are DISMISSED AS MOOT. 3. All remaining Preliminary Objections of Delaware County Respondents; Petitioners' Emergency Application, filed on June 4, 2023; Petitioners' Rule 1033 Amendment Application for Leave to Amend Petition, filed on June 30, 2023; Delaware County Respondents' Motion to Exclude and/or Quash Expert Testimony, filed on July 10, 2023; and all other filings in this case are hereby TRANSFERRED to the Delaware County Court of Common Pleas, which court shall proceed expeditiously in considering the merits of this matter. See 42 Pa.C.S. § 5103(a). 				
Opinion to Follow				

Miscellaneous Docket Sheet

Docket Number: 258 MD 2023

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October 4, 2023



DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
July 12, 2023	Transfer to Court of Common Pleas Commonwealth Court Filing Office Document Name: Delaware County Court of Common Pleas			
July 14, 2023	Acknowledgment of Transfer Lower Court or Agency Document Name: Delaware County CCP.			
August 11, 2023	Memorandum Opinion Filed Wojcik, Michael H. Document Name: Opinion per Court's 7-11-23 Order			08/11/2023

DISPOSITION INFORMATION

Final Disposition: Yes

Related Journal No: Judgment Date:

Category: Disposed Before Decision Disposition Author: Wojcik, Michael H.

Disposition: Transfer Disposition Date: July 11, 2023

Disposition Comment: NOW, July 11, 2023, upon consideration of the Second Request for Emergency Special and Summary Relief (Emergency Application), filed by Petitioners Joy Schwartz, Gregory Stenstrom, Leah Hoopes, and Paul Rumley; the Preliminary Objections filed by the Acting Secretary of the Commonwealth of Pennsylvania Al Schmidt (Secretary), and Delaware County and Delaware County Park Police Department and James Allen, Delaware County Director of Elections, in his personal capacity and John S. Diehl, Delaware County Park Police Chief, in his personal capacity (collectively, Delaware County Respondents), and the answers and briefs in support of and/or in opposition thereto, and following argument before a single Judge of this Court on July 11, 2023, it is hereby ORDERED as follows:

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Opinion to Follow

Dispositional Filing: Filing Author:

Filed Date: