

Commonwealth Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 281 CD 2023

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April 19, 2024



CAPTION

In re: Nomination Petition of
Patrick Henigan as Candidate for
the Democratic Nomination for
Office of Magisterial District Judge,
No. 32-1-28 Delaware County
Pennsylvania

Appeal of: Allison Karpyn

CASE INFORMATION

Initiating Document:	Notice of Appeal		
Case Status:	Closed		
Case Processing Status:	May 2, 2023	Completed	
Journal Number:	SE-4a-2023		
Case Category:	Election	Case Type(s):	Election

CONSOLIDATED CASES

RELATED CASES

Docket No / Reason	Type
280 CD 2023 Same Party	Consolidated

COUNSEL INFORMATION

Appellant Karpyn, Allison

Pro Se: No

IFP Status:

Attorney:	Otter, Lawrence M.	
Address:	Po Box 575 Silverdale, PA 18962-0575	
Phone No:	(267) 261-2948	Fax No:

Appellee Henigan, Patrick Timothy

Pro Se: No

IFP Status:

Attorney:	Bilker, Matthew Jordan	
Law Firm:	Eckell, Sparks, Levy, Auerbach, Monte, Sloane, Matthews & Auslander, PC	
Address:	Eckell Sparks Levy Et Al 300 W State St Media, PA 19063	
Phone No:	(610) 565-3700	Fax No:

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COUNSEL INFORMATION

Other Mullen, Kathleen Ann

Pro Se: No

IFP Status:

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

Other Kotula, Kathleen Marie

Pro Se: No

IFP Status:

Attorney: Kotula, Kathleen Marie
 Law Firm: Pennsylvania Department of State
 Address: Pa Dept Of State
 306 N Ofc Bldg 401 North St
 Harrisburg, PA 17120-0500
 Phone No: (717) 783-1657 Fax No:

Other Darr, Gregory Mitchell

Pro Se: No

IFP Status:

Attorney: Darr, Gregory Mitchell
 Law Firm: Pennsylvania Department of State
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 Harrisburg, PA 17120
 Phone No: (717) 346-0462 Fax No:

FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
03/27/2023	Notice of Appeal	90.25	04/05/2023	2023-CMW-H-000630	90.25

AGENCY/TRIAL COURT INFORMATION

Order Appealed From: March 22, 2023 Notice of Appeal Filed: March 27, 2023
 Order Type: Lower Court Order
 Documents Received: March 27, 2023

Court Below: Delaware County Court of Common Pleas
 County: Delaware Division: Delaware County Civil Division
 Judge: Whelan, John J. OTN:
 Docket Number: 2023-002215 Judicial District: 32

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description
Trial Court Record	March 31, 2023	with 280 CD 2023

Date of Remand of Record: May 25, 2023

BRIEFING SCHEDULE

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None

None

DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
March 27, 2023	Notice of Appeal Filed Karpyn, Allison		Appellant	
March 27, 2023	Order Filed Per Curiam			03/27/2023
Document Name: Case Management and Scheduling Order Comment: NOW, March 27, 2023, it is ordered as follows: 1. The Court of Common Pleas of Delaware County shall transmit to this Court the record in this matter, including an opinion or statement in accordance with Pa.R.A.P. 1925(a) and the hearing transcript, no later than March 29, 2023, at 4:00 p.m. Certification shall not be delayed by proceeding under Pa.R.A.P. 1925(b). 2. Appellant shall file a Statement of Issues to be Presented on Appeal by March 30, 2023, 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 also be filed by electronic mail to CommCourtFiling@pacourts.us. It 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 trial judge, and a proof of service shall be promptly filed with the Court. 3. Appellant and Appellee shall file (3 copies) and serve (1 copy) simultaneous briefs on the merits of the appeal on or before April 4, 2023, at 4:00 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 also be filed by electronic mail to CommCourtFiling@pacourts.us. 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 or via email, counsel shall also provide within one day, three paper copies of the brief. 4. Motions may not be filed by facsimile or electronic mail without the express prior permission of the Court. 5. Appellant is excused from filing a reproduced record. 6. This appeal shall be submitted for decision on the briefs filed without oral argument, unless otherwise ordered. 7. 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 Office of Judicial Support of the Delaware County Court of Common Pleas, and to Judge John J. Whelan of that court.				
March 28, 2023	Consolidated - Same Party Commonwealth Court			
March 28, 2023	Order Filed Per Curiam			03/28/2023
Document Name: Consolidation Order / Consolidated 280 & 281 CD 2023 Comment: NOW, March 28, 2023, the above-captioned matters are hereby consolidated. All further filings in these consolidated matters shall be captioned as set forth above. 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 Office of Judicial Support of the Delaware County Court of Common Pleas, and to Judge John J. Whelan of that court.				
March 29, 2023	Filed - Other Otter, Lawrence M.	Karpyn, Allison	Appellant	
Document Name: Statement of Issues Appeal				

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
March 30, 2023	Application for Oral Argument Otter, Lawrence M.	Karpyn, Allison	Appellant	
	Document Name: Application for Three Judge Panel for Appellate Review			
March 31, 2023	Order Denying Application for Oral Argument Per Curiam			03/31/2023
	Document Name: Objectors' Application for a Three Judge Panel is Denied Comment: AND NOW, this 31st day of March, 2023, it is hereby ordered that the Application for a Three Judge Panel for Appellate Review filed by Objectors/Appellants Heidi Kecskemethy, Thomas Kecskemethy, and Allison Karpyn, is hereby DENIED.			
March 31, 2023	Trial Court Record Received Delaware County Court of Common Pleas			
April 7, 2023	Reversed Wojcik, Michael H.			04/07/2023
	Document Name: Memorandum Opinion / Patrick Henigan shall be Removed from the Ballot Comment: AND NOW, this 7th day of April, 2023, it is hereby ORDERED: 1. The orders of the Delaware County Court of Common Pleas dated March 22, 2023, are REVERSED. 2. The Delaware County Board of Elections is directed to REMOVE the name of Patrick Henigan from the ballot in the Municipal Primary Election to be held on May 16, 2023, as a Candidate for the Republican and Democratic Nomination for the office of Magisterial District Judge for Magisterial District 32-1-28. If Candidate's name cannot be removed from the election day ballot, the County Board of Elections is directed to post notice within each voting station that Candidate's name has been stricken from the ballot and that casting a vote for Candidate, other than a write-in vote, will not be counted. The County Board of Elections shall also post such notice on its publicly accessible website. 3. The Prothonotary shall notify the parties hereto and their counsel of this Order and shall send a copy of this Order to the Delaware County Board of Elections. 4. Each party shall bear his or her own costs			
April 11, 2023	Petition for Allowance of Appeal to PA Supreme Court Filed Henigan, Patrick Timothy		Appellee	
	Document Name: 197-198 MAL 2023 Comment: 197 MAL 2023			
May 2, 2023	Order Denying Petition for Allowance of Appeal to PA Supreme Court Supreme Court of Pennsylvania			05/02/2023
	Document Name: 197-198 MAL 2023 Comment: 197 MAL 2023			
May 25, 2023	Remitted Commonwealth Court Filing Office			
June 12, 2023	Acknowledgement of Record Remittal Delaware County Court of Common Pleas			

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SESSION INFORMATION

Journal Number: SE-4a-2023
Consideration Type: Submitted on Briefs
Listed/Submitted Date: April 5, 2023

Panel Composition:

The Honorable Michael H. Wojcik	Judge
The Honorable Christine Fizzano Cannon	Judge
The Honorable Ellen Ceisler	Judge

DISPOSITION INFORMATION

Final Disposition: Yes

Related Journal No:

Judgment Date:

Category: Decided

Disposition Author:

Wojcik, Michael H.

Disposition: Reversed

Disposition Date:

April 7, 2023

Disposition Comment: AND NOW, this 7th day of April, 2023, it is hereby ORDERED:

1. The orders of the Delaware County Court of Common Pleas dated March 22, 2023, are REVERSED.
2. The Delaware County Board of Elections is directed to REMOVE the name of Patrick Henigan from the ballot in the Municipal Primary Election to be held on May 16, 2023, as a Candidate for the Republican and Democratic Nomination for the office of Magisterial District Judge for Magisterial District 32-1-28.
If Candidate's name cannot be removed from the election day ballot, the County Board of Elections is directed to post notice within each voting station that Candidate's name has been stricken from the ballot and that casting a vote for Candidate, other than a write-in vote, will not be counted. The County Board of Elections shall also post such notice on its publicly accessible website.
3. The Prothonotary shall notify the parties hereto and their counsel of this Order and shall send a copy of this Order to the Delaware County Board of Elections.
4. Each party shall bear his or her own costs

Dispositional Filing: **Memorandum Opinion**

Filing Author:

Wojcik, Michael H.

Filed Date: 4/7/2023 12:00:00AM