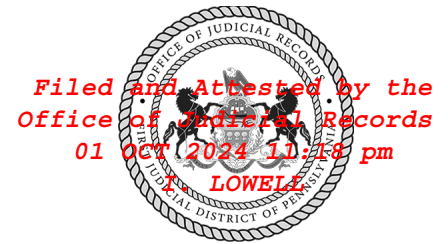


CITY OF PHILADELPHIA LAW DEPARTMENT
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1515 Arch Street, 15th Floor
Philadelphia, PA 19102-1595
Attorneys for Respondents



BRIAN T. BAXTER and SUSAN T. KINNIRY,	:	COURT OF COMMON PLEAS
	:	OF PHILADELPHIA COUNTY
Petitioners,	:	
	:	SEPTEMBER TERM, 2024
v.	:	
	:	No. 02481
PHILADELPHIA BOARD OF ELECTIONS,	:	
	:	ELECTION MATTER
Respondent,	:	
	:	
And	:	
	:	
REPUBLICAN NATIONAL COMMITTEE and	:	
REPUBLICAN PARTY OF PENNSYLVANIA,	:	
	:	
Intervenors.	:	

NOTICE OF APPEAL

Notice is hereby given that Respondent Philadelphia County Board of Elections hereby appeals to the Commonwealth Court of Pennsylvania from the following:

- the September 26, 2024 Order (1) granting the Petition for Review and reversing the decision of the Philadelphia Board of Elections to not count undated and incorrectly dated mail ballots submitted in the September 17, 2024 Special Election; and (2)

directing the Board to count undated and incorrectly dated mail ballots submitted in the same Special Election; and

- the September 27, 2024 Final Disposition Order—docketed on September 28, 2024—that (1) granted the Petition of the Republican National Committee and Republican Party of Pennsylvania to Intervene; and (2) declared moot the Emergency Motion for Reconsideration and Clarification.

The appealed Judgment and Orders were entered in this matter by the Honorable James C. Crumlish, III, Court of Common Pleas of Philadelphia County, and are attached as Exhibit A. They have been entered on the docket, attached here as Exhibit B.

Respectfully submitted,

CITY OF PHILADELPHIA LAW DEPARTMENT
RENEE GARCIA, CITY SOLICITOR

/s/ Alison Stohr

Alison Stohr (I.D. No. 316483)
(215) 683-3563 / alison.stohr@phila.gov
Deputy City Solicitor
Affirmative & Special Litigation Unit

Date: October 1, 2024

Exhibit A

Judgment and Orders Appealed

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IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
TRIAL DIVISION – CIVIL

BRIAN T. BAXTER and SUSAN T. KINNIRY,	:	SEPTEMBER TERM, 2024
	:	
	:	NO. 02481
Petitioners,	:	
	:	ELECTION MATTER
v.	:	
	:	Control No. 24094566
PHILADELPHIA BOARD OF ELECTIONS,	:	
	:	
	:	
Respondent.	:	

DOCKETED

SEP 26 2024

R. POSTELL
COMMERCE PROGRAM

ORDER

AND NOW, this 26th day of September, 2024, upon consideration of petitioners' Petition for Review in the Nature of a Statutory Appeal pursuant to 25 P.S. § 3157 from respondent's decision on September 21, 2024, not to count petitioners' and sixty-seven other registered voters' mail-in ballots in the September 17, 2024 Special Election because the date written on the outer envelope was missing or incorrect, and after a hearing on the Petition at which petitioners and respondent stipulated to the operative facts underlying their dispute, it is **ORDERED** as follows:

1. The Petition is **GRANTED** and the September 21, 2024 decision of the Philadelphia Board of Elections in which it refused to count petitioners' and the sixty-seven other registered voters' mail-in ballots is **REVERSED**:
 - a. Based on the stipulation and representations made on the record as set forth in the transcript of the hearing held on September 25, 2024, which is attached hereto as an exhibit; and

ORDER-Baxter Etal Vs Philadelphia Board Of Elections [RCP]




24090248100019

Case ID: 240902481

- b. Because the refusal to count a ballot due to a voter's failure to "date . . . the declaration printed on [the outer] envelope" used to return his/her mail-in ballot, as directed in 25 P.S. §§ 3146.6(a) and 3150.16(a), violates Art. I, § 5 of the Constitution of the Commonwealth of Pennsylvania, which states that "Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage."
2. Respondent Board of Elections shall cause petitioners' and the sixty-seven other registered voters' date-disqualified mail-in ballots from the Special Election to be verified, counted if otherwise valid, and included in the results of the Special Election.

BY THE COURT:


CRUMLISH, III, J.

It is further ordered and due consideration, that Intervenor's Motion to Dismiss is **DENIED**.

BY THE COURT:



Crumlish, III, J.

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The court deferred considering Intervenor's Petition in this matter and repeatedly consulted the docket for a filing, but no Petition was reflected on the record as of the time the court submitted its order and its order was entered on the docket at 4:38 p.m. on September 25. The docket thereafter revealed that Petitioner's filing was not made (despite representations to the court to the contrary) until 1:13 pm the following day after the hearing had been concluded. Petitioner's delay disadvantaged the court insofar as the court had no basis at the trial to review the Intervenor's Petition and issue a ruling until such filing was made of record and the delay further has caused inconvenience to the parties in obtaining finality in the court's ruling and necessitating further proceedings to dispose of the Petition to Intervene.

Exhibit B

Trial Court Docket

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Case Description

Case ID: 240902481
Case Caption: BAXTER ETAL VS PHILADELPHIA BOARD OF ELECTIONS
Filing Date: Monday , September 23rd, 2024
Court: PETITIONS
Location: CITY HALL
Jury: NON JURY
Case Type: ELECTION MATTERS
Status: ORDER ENTERED - FINAL DISPOS

Related Cases

No related cases were found.

Case Event Schedule

No case events were found.

Case motions

No case motions were found.

Case Parties

Seq #	Assoc	Expn Date	Type	Name
1			ATTORNEY FOR PETITIONER	DEPALMA, CLAUDIA
Address:	2 PENN CENTER 1500 JFK BLVD. SUITE 802 PHILADELPHIA PA 19102 (267)546-1313 cdepalma@pubintl.org		Aliases:	<i>none</i>
2	1		PETITIONER	BAXTER, BRIAN T
Address:	2401 PENNSYLVANIA AVENUE UNIT 8A11 PHILADELPHIA PA 19130		Aliases:	<i>none</i>
3	1		PETITIONER	KINNIRY, SUSAN T

Case ID: 240902481

Address:	859 N. STILLMAN STREET PHILADELPHIA PA 19130	Aliases:	none	
4	11		RESPONDENT	PHILADELPHIA BOARD OF ELECTIONS
Address:	1400 JFK BLVD., ROOM 142 CITY HALL PHILADELPHIA PA 19107	Aliases:	none	
5	1		ATTORNEY FOR PETITIONER	MCKENZIE, MARY M
Address:	PUBLIC INTEREST LAW CENTER 1709 BENJAMIN FRANKLIN PARKWAY PHILADELPHIA PA 19103 (267)546-1319 mmckenzie@pubintlaw.org	Aliases:	none	
6	1		ATTORNEY FOR PETITIONER	GEFFEN, BENJAMIN D
Address:	PUBLIC INTEREST LAW CENTER 1500 JFK BLVD SUITE 802 PHILADELPHIA PA 19102 (267)546-1308 bgeffen@pubintlaw.org	Aliases:	none	
7	1		ATTORNEY FOR PETITIONER	SCHNEIDER, MARIAN K
Address:	295 E. SWEDES FORD ROAD, #348 WAYNE PA 19087 (610)644-1925 marianesq@mac.com	Aliases:	none	
8	1		ATTORNEY FOR PETITIONER	LONEY, STEPHEN A

Address:	ACLU OF PENNSYLVANIA P.O. BOX 60173 PHILADELPHIA PA 19102 (215)592-1513 sloney@aclupa.org	Aliases:	none	
9	1		ATTORNEY FOR PETITIONER	STEIKER- GINZBERG, KATE
Address:	ACLU OF PENNSYLVANIA P.O. BOX 60173 PHILADELPHIA PA 19102 (917)444-6803 ksteiker-ginzberg@aclupa.org	Aliases:	none	
10			JUDGE	PADILLA, NINA W
Address:	360 CITY HALL PHILADELPHIA PA 19107	Aliases:	none	
11			ATTORNEY FOR RESPONDENT	STOHR, ALISON L
Address:	CITY OF PHILADELPHIA LAW DEPT 1515 ARCH STREET 15TH FLOOR PHILADELPHIA PA 19102 (215)683-3563 alison.stohr@phila.gov	Aliases:	none	
12	11		ATTORNEY FOR RESPONDENT	JOSEFOVITS, M DAVID
Address:	112 RENNARD PL PHILADELPHIA PA 19116 (215)656-3378 david.josefovits@us.dlapiper.com	Aliases:	none	
13	11		ATTORNEY FOR RESPONDENT	FABENS-LASSEN, BEN
Address:	2000 AVENUE OF THE STARS, SUIT LOS ANGELS CA 910067 (215)656-3300 ben.fabens- lassen@us.dlapiper.com	Aliases:	none	

14	11		ATTORNEY FOR RESPONDENT	EISENSTEIN, ILANA H
Address:	ONE LIBERTY PL 1650 MARKET ST SUITE 5000 PHILADELPHIA PA 19103 (215)656-3351 ilana.eisenstein@dlapiper.com	Aliases:	none	
15	11		ATTORNEY FOR RESPONDENT	BENJET, BRIAN H
Address:	1650 MARKET STREET PHILADELPHIA PA 19103 (215)656-3311 brian.benjet@us.dlapiper.com	Aliases:	none	
16			ATTORNEY FOR PETITIONER	KERNS ESQ, LINDA A
Address:	1420 LOCUST STREET SUITE 200 PHILADELPHIA PA 19102 (215)731-1400 linda@lindakernslaw.com	Aliases:	none	
17			JUDGE	CRUMLISH III, JAMES
Address:	534 CITY HALL PHILADELPHIA PA 19107	Aliases:	none	
18			MOTION ASSIGNMENT JUDGE	CRUMLISH III, JAMES
Address:	534 CITY HALL PHILADELPHIA PA 19107	Aliases:	none	
19	11		ATTORNEY FOR RESPONDENT	PFAUTZ, MICHAEL W
Address:	PHILADELPHIA LAW DEPARTMENT 1515 ARCH ST 15TH FLOOR PHILADELPHIA PA 19102 (215)683-5233 michael.pfautz@phila.gov	Aliases:	none	

20	22		INTERVENOR	REPUBLICAN NATIONAL COMMITTEE
Address:	NONE GIVEN PHILADELPHIA PA 19107	Aliases:	none	
21	22		INTERVENOR	REPUBLICAN PARTY OF PENNSYLVANIA
Address:	NONE GIVEN PHILADELPHIA PA 19107	Aliases:	none	
22			ATTORNEY FOR INTERVENOR	KERNS ESQ, LINDA A
Address:	1420 LOCUST STREET SUITE 200 PHILADELPHIA PA 19102 (215)731-1400 linda@lindakernslaw.com	Aliases:	none	
23	22		ATTORNEY FOR INTERVENOR	KING III, THOMAS W
Address:	128 W. CUNNINGHAM ST. BUTLER PA 16001 (724)283-2200 tking@dmkcg.com	Aliases:	none	
24			JUDGE	EMERGENCY JUDGE, JUDGE
Address:	ROOM 280 CITY HALL PHILADELPHIA PA 19107	Aliases:	none	

Docket Entries

Filing Date/Time	Docket Type	Filing Party	Disposition Amount
23-SEP-2024 04:12 PM	ACTIVE CASE		
Docket Entry:	E-Filing Number: 2409047953		

23-SEP-2024 04:12 PM	COMMENCEMENT BY PETITION	DEPALMA, CLAUDIA	
Documents:	Final Cover		
Docket Entry:	PETITION FOR ELECTION MATTERS FILED.		
23-SEP-2024 04:12 PM	PETITION FILED	DEPALMA, CLAUDIA	
Documents:	24.09.23 Philadelphia 3157 combined for filing.pdf		
Docket Entry:	66-24094566		
24-SEP-2024 11:35 AM	MOTION ASSIGNED		
Docket Entry:	66-24094566 PETITION FILED ASSIGNED TO JUDGE: PADILLA, NINA W. ON DATE: SEPTEMBER 24, 2024		
24-SEP-2024 04:48 PM	ORDER ENTERED/236 NOTICE GIVEN	PADILLA, NINA W	
Documents:	ORDER_5.pdf		
Docket Entry:	66-24094566 UPON CONSIDERATION OF THE PETITION FOR REVIEW IN TEH NATURE OF A STATUTORY APPEAL, IT IS HEREBY ORDERED THAT A HEARING SHALL BE HELD ON SEPTEMBER 25, 2024, AT 3:00 P.M., IN COURTROOM 602, JUANITA KIDD STOUT CENTER FOR CRIMINAL JUSTICE, PHILADELPHIA, PENNSYLVANIA. A COPY OF THIS ORDER AND A COPY OF THE PETITION SHALL BE SERVED UPON TEH COUNTY BOARD OF ELECTIONS BY PERSONAL SERVICE ON AN EMPLOYEE IN CHARGE, IN ROOM 142, CITY HALL, PHILADELPHIA, PENNSYLVANIA, NO LATER THAN SEPTEMBER 25, 2024, AT 9:00 A.M. ...BY THE COURT - WRIGHT PADILLA, P.J., 9-24-24		
24-SEP-2024 04:48 PM	NOTICE GIVEN UNDER RULE 236		
Docket Entry:	NOTICE GIVEN ON 24-SEP-2024 OF ORDER ENTERED/236 NOTICE GIVEN ENTERED ON 24-SEP-2024.		
24-SEP-2024 04:55 PM	MOTION HEARING SCHEDULED		
Docket Entry:	66-24094566		

25-SEP-2024 06:01 AM	ENTRY OF APPEARANCE	STOHR, ALISON L	
Documents:	24.09.25 - EOA_Stohr.pdf		
Docket Entry:	ENTRY OF APPEARANCE OF ALISON L STOHR FILED. (FILED ON BEHALF OF PHILADELPHIA BOARD OF ELECTIONS)		
25-SEP-2024 06:01 AM	CITY CHARGE SUBSEQUENT FILINGS	STOHR, ALISON L	
Docket Entry:	<i>none.</i>		
25-SEP-2024 09:03 AM	ENTRY OF APPEARANCE	JOSEFOVITS, M DAVID	
Documents:	Baxter EOA - MDJ.pdf		
Docket Entry:	ENTRY OF APPEARANCE OF M DAVID JOSEFOVITS FILED. (FILED ON BEHALF OF PHILADELPHIA BOARD OF ELECTIONS)		
25-SEP-2024 09:17 AM	ENTRY OF APPEARANCE	FABENS-LASSEN, BEN	
Documents:	Baxter EOA - BFL.pdf		
Docket Entry:	ENTRY OF APPEARANCE OF BEN FABENS-LASSEN FILED. (FILED ON BEHALF OF PHILADELPHIA BOARD OF ELECTIONS)		
25-SEP-2024 09:44 AM	ENTRY OF APPEARANCE	EISENSTEIN, ILANA H	
Documents:	Baxter EOA - IHE.pdf		
Docket Entry:	ENTRY OF APPEARANCE OF ILANA H EISENSTEIN FILED. (FILED ON BEHALF OF PHILADELPHIA BOARD OF ELECTIONS)		
25-SEP-2024 10:04 AM	ENTRY OF APPEARANCE	BENJET, BRIAN H	
Documents:	Baxter EOA - BB.pdf		
Docket Entry:	ENTRY OF APPEARANCE OF BRIAN H BENJET FILED. (FILED ON BEHALF OF PHILADELPHIA BOARD OF ELECTIONS)		

25-SEP-2024 11:31 AM	MOTION ASSIGNMENT UPDATED		
Docket Entry:	66-24094566 REASSIGNED TO JUDGE CRUMLISH, JAMES ON 25-SEP-24		
25-SEP-2024 01:45 PM	STIPULATION FILED	STOHR, ALISON L	
Documents:	Baxter v. PCBOE - Consent Order Authorizing Certification (9-25-2024).pdf		
Docket Entry:	28-24095328 STIPULATION TO ENTER CONSENT ORDER FILED. AWAITING JUDICIAL APPROVAL (FILED ON BEHALF OF PHILADELPHIA BOARD OF ELECTIONS) ENTRY OF APPEARANCE FILED ON BEHALF OF PHILADELPHIA BOARD OF ELECTIONS.		
25-SEP-2024 04:38 PM	ORDER ENTERED/236 NOTICE GIVEN	CRUMLISH III, JAMES	
Documents:	ORDER_15.pdf		
Docket Entry:	66-24094566 IT IS ORDERED, ADJUDGED AND DECREED AS FOLLOWS: 1. THE PHILADELPHIA COUNTY BOARD OF ELECTIONS IS SUTHORIZED TO CERTIFY THE RESULTS OF THE SEPTEMBER 17, 2024 SPECIAL ELECTION TO THE PENNSYLVANIA DEPARTMENT OF STATE AND TO TAKE ANY AND ALL SUCH OTHER ACTIONS NECESSARY TO ACCOMPLISH THE SAME, WITHOTU IMPACTING THE PENDING LITIGATION; AND 2. THE PARTIES HAVE AGREED THAT IF EITHER OR BOTH OF THE PETITIONER ULTIMATELY PREVAIL ON THE MERTIS, THE PHILADELPHIA COUNTY BOURD OF ELECTIONS WILL OPEN AND CANVASS THEIR MAIL BALLOTS AND FILE AN AMENDED VOTE COUNT WITH THE PENNSYVANIA DEPARTMENT OF STATE REFLECTING THEIR VOTES IN THE SEPTEMBER 17, 2024 SPECIAL ELECTION. ...BY THE COURT; CRUMLISH, J. 9-23-24		
25-SEP-2024 04:38 PM	NOTICE GIVEN UNDER RULE 236		
Docket Entry:	NOTICE GIVEN ON 26-SEP-2024 OF ORDER ENTERED/236 NOTICE GIVEN ENTERED ON 25-SEP-2024.		
26-SEP-2024 01:10 PM	PETITION TO INTERVENE	KERNS ESQ, LINDA A	
Documents:	Baxter Petition for Leave to Intervene(1541320339.2).pdf Baxter v. Philly Motion to Dismiss(1541321597.1).pdf Brief in Support of Motion to Dismiss Petition (Baxter v. Philly)(1541321636.1).pdf Motion CoverSheet Form		
Docket Entry:	06-24095206 PETITION TO INTERVENE (FILED ON BEHALF OF REPUBLICAN PARTY OF PENNSYLVANIA AND REPUBLICAN NATIONAL COMMITTEE)		

Case ID: 240902481

26-SEP-2024 01:13 PM	MOTION ASSIGNED		
Docket Entry:	06-24095206 PETITION TO INTERVENE ASSIGNED TO JUDGE: CRUMLISH, JAMES . ON DATE: SEPTEMBER 26, 2024		
26-SEP-2024 03:43 PM	ORDER ENTERED/236 NOTICE GIVEN	CRUMLISH III, JAMES	
Documents:	ORDER_19.pdf		
Docket Entry:	<p>66-24094566 AND NOW, THIS 26TH DAY OF SEPTEMBER, 2024, UPON CONSIDERATION OF PETITIONERS' PETITION FOR REVIEW IN THE NATURE OF A STATUTORY APPEAL PURSUANT TO 25 P.S. SECTION 3157 FROM RESPONDENT'S DECISION ON SEPTEMBER 21, 2024, NOT TO COUNT PETITIONERS' AND SIXTY-SEVEN OTHER REGISTERED VOTERS' MAIL-IN BALLOTS IN THE SEPTEMBER 17, 2024 SPECIAL ELECTION BECAUSE THE DATE WRITTEN ON THE OUTER ENVELOPE WAS MISSING OR INCORRECT, AND AFTER A HEARING ON THE PETITION AT WHICH PETITIONERS AND RESPONDENT STIPULATED TO THE OPERATIVE FACTS UNDERLYING THEIR DISPUTE, IT IS ORDERED AS FOLLOWS: 1. THE PETITION IS GRANTED AND THE SEPTEMBER 21, 2024 DECISION OF THE PHILADELPHIA BOARD OF ELECTIONS IN WHICH IT REFUSED TO COUNT PETITIONERS' AND THE SIXTY-SEVEN OTHER REGISTERED VOTERS' MAIL-IN BALLOTS IS REVERSED: A. BASED ON THE STIPULATION AND REPRESENTATIONS MADE ON THE RECORD SET FORTH IN THE TRANSCRIPT OF THE HEARING HELD ON SEPTEMBER 25, 2024, WHICH IS ATTACHED HERETO AS AN EXHIBIT; AND B. BECAUSE THE REFUSAL TO COUNT A BALLOT DUE TO A VOTER'S FAILURE TO "DATE...THE DECLARATION PRINTED ON [THE OUTER] ENVELOPE" USED TO RETURN HIS/HER MAIL-IN BALLOT, AS DIRECTED IN 26 P.S. SECTIONS 3146.6(A), VIOLATES ART. I, SECTION 5 OF THE CONSTITUTION OF THE COMMONWEALTH OF PENNSYLVANIA, WHICH STATES THAT "ELECTIONS SHALL BE FREE AND EQUAL; AND NO POWER, CIVIL OR MILITARY, SHALL AT ANY TIME INTERFERE TO PREVENT THE FREE EXERCISE OF THE RIGHT OF SUFFRAGE." 2. RESPONDENT BOARD OF ELECTIONS SHALL CAUSE PETITIONERS' AND THE SIXTY-SEVEN OTHER REGISTERED VOTERS' DATE-DISQUALIFIED MAIL-IN BALLOTS FROM THE SPECIAL ELECTION TO BE VERIFIED, COUNTED IF OTHERWISE VALID, AND INCLUDED IN THE RESULTS OF THE SPECIAL ELECTION. BY THE COURT: JUDGE CRUMLISH, III, 9/26/24.</p>		
26-SEP-2024 03:43 PM	NOTICE GIVEN UNDER RULE 236		
Docket Entry:	NOTICE GIVEN ON 26-SEP-2024 OF ORDER ENTERED/236 NOTICE GIVEN ENTERED ON 26-SEP-2024.		
26-SEP-2024 03:43 PM	ORDER ENTERED/236 NOTICE GIVEN	CRUMLISH III, JAMES	
Documents:	ORDER_20.pdf		

Docket Entry:	66-24094566 AND NOW, THIS 26TH DAY OF SEPTEMBER, 2024, A PETITION FOR LEAVE TO INTERVENE BY THE REPUBLICAN NATIONAL COMMITTEE AND THE REPUBLICAN PARTY OF PENNSYLVANIA HAVING BEEN FILED IN THE ABOVE ACTION FOLLOWING THE COURT HAVING COMPLETED A HEARING ON PETITIONERS' STATUTORY APPEAL FROM A DECISION OF RESPONDENT PHILADELPHIA BOARD OF ELECTIONS AND FOLLOWING THE COURT'S ENTRY OF AN ORDER GRANTING THE APPEAL AND REVERSING THE BOARD'S DECISION, IT IS HEREBY ORDERED THAT PETITIONERS AND RESPONDENT SHALL FILE A RESPONSE TO THE PETITION FOR LEAVE TO INTERVENE, IF ANY, WITHIN TEN (10) DAYS OF THE DATE OF THIS RULE TO SHOW CAUSE AND ALL INTERESTED PARTIES OR INTERVENORS SHALL APPEAR BEFORE THE UNDERSIGNED ON OCTOBER 10, 2024 AT 11:00 A.M. IN COURTROOM 636 CITY HALL TO SHOW CAUSE WHY THE PETITION FOR LEAVE TO INTERVENE SHOULD NOT BE GRANTED. BY THE COURT: JUDGE CRUMLISH, III, 9/26/24.		
26-SEP-2024 03:43 PM	NOTICE GIVEN UNDER RULE 236		
Docket Entry:	NOTICE GIVEN ON 26-SEP-2024 OF ORDER ENTERED/236 NOTICE GIVEN ENTERED ON 26-SEP-2024.		
26-SEP-2024 03:54 PM	MOTION HEARING SCHEDULED		
Docket Entry:	66-24094566 PETITION TO INTERVENE IS SCHEDULED FOR 10/10/24 AT 11:00 AM IN COURTROOM 636 CITY HALL.		
27-SEP-2024 10:02 AM	MOTION ASSIGNMENT UPDATED		
Docket Entry:	28-24095328 REASSIGNED TO JUDGE CRUMLISH, JAMES ON 27-SEP-24		
27-SEP-2024 10:36 AM	ENTRY OF APPEARANCE-CO COUNSEL	PFAUTZ, MICHAEL W	
Documents:	24.09.27 - EOA_Pfautz.pdf		
Docket Entry:	ENTRY OF APPEARANCE OF MICHAEL W PFAUTZ AS CO-COUNSEL FILED. (FILED ON BEHALF OF PHILADELPHIA BOARD OF ELECTIONS)		
27-SEP-2024 11:50 AM	OTHER EVENT CANCELLED	CRUMLISH III, JAMES	
Docket Entry:	28-24095328		

27-SEP-2024 01:10 PM	ORDER ENTERED/236 NOTICE GIVEN	CRUMLISH III, JAMES	
Documents:	ORDER_28.pdf		
Docket Entry:	38-24095238 AND NOW, THIS 27TH DAY OF SEPTEMBER, 2024, THE COURT HAVING HELD A HEARING ON THE PETITIONERS' APPEAL OF THE DECISION OF THE PHILADELPHIA BOARD OF ELECTIONS, AND THE PARTIES HAVING PROVIDED THE COURT WITH A STIPULATED ORDER AT THE HEARING, IT IS HEREBY ORDERED THAT THE CONTENTS OF THE FILED STIPULATION HAVE BEEN INCORPORATED INTO THE COURT'S ORDER OF SEPTEMBER 25, 2024, AND, ACCORDINGLY, ANY FURTHER ACTION ON THE PROPOSED STIPULATION (24095238) WOULD BE DUPLICATIVE AND THEREFORE THE STIPULATED REQUEST TO ENTER THE CONSENT ORDER IS MOOT. BY THE COURT: JUDGE CRUMLISH, III, 9/27/24.		
27-SEP-2024 01:10 PM	NOTICE GIVEN UNDER RULE 236		
Docket Entry:	NOTICE GIVEN ON 01-OCT-2024 OF ORDER ENTERED/236 NOTICE GIVEN ENTERED ON 27-SEP-2024.		
27-SEP-2024 06:11 PM	MOTION FOR RECONSIDERATION	PFAUTZ, MICHAEL W	
Documents:	Joint Emergency Motion for Reconsideration.pdf Proposed Order Reconsideration.pdf Motion CoverSheet Form		
Docket Entry:	62-24095662 MOTION FOR RECONSIDERATION OF JUDGE CRUMLISH'S ORDER DATED 9/26/2024 (FILED ON BEHALF OF PHILADELPHIA BOARD OF ELECTIONS, SUSAN T KINNIRY AND BRIAN T BAXTER)		
27-SEP-2024 06:11 PM	CITY CHARGE SUBSEQUENT FILINGS	PFAUTZ, MICHAEL W	
Docket Entry:	<i>none.</i>		
28-SEP-2024 01:35 PM	ORDER ENTERED - FINAL DISPOS	CRUMLISH III, JAMES	
Documents:	ORDRF_29.pdf		
Docket Entry:	06-24095206 UPON CONSIDERATION OF THE PETITION OF REPUBLICAN NATIONAL COMMITTEE AND THE REPUBLICAN PARTY OF PENNSYLVANIA TO INTERVENE IN THE ABOVE ACTIONS AND THE JOINT EMERGENCY MOTION OF PETITIONERS BAXTER AND KINNIRY AND RESPONDENT PHILADELPHIA BOARD OF ELECTIONS WHEREIN THE PARTIES DO NOT OPPOSE THE PETITION TO INTERVENE, IT IS ORDERED THAT THE PETITION TO INTERVENE IS GRANTED AND THE EMERGENCY MOTION FOR RECONSIDERATION AND		

Case ID: 240902481

	CLARIFICATION IS MOOT. IT IS FURTHER ORDERED AND DUE CONSIDERATION, THAT INTERVENOR'S MOTION TO DISMISS IS DENIED. ...BY THE COURT; CRUMLISH, J. 9-27-24		
28-SEP-2024 01:35 PM	NOTICE GIVEN UNDER RULE 236		
Docket Entry:	NOTICE GIVEN ON 28-SEP-2024 OF ORDER ENTERED - FINAL DISPOS ENTERED ON 28-SEP-2024.		
30-SEP-2024 10:39 AM	MOTION ASSIGNED		
Docket Entry:	62-24095662 MOTION FOR RECONSIDERATION ASSIGNED TO JUDGE: EMERGENCY JUDGE, JUDGE . ON DATE: SEPTEMBER 30, 2024		
30-SEP-2024 12:05 PM	CORRECTIVE ENTRY	EMERGENCY JUDGE, JUDGE	
Docket Entry:	62-24095662 ***PLEASE NOTE: THIS ENTRY IS BEING MADE TO CLOSE A MOTION RECORD WHICH REMAINED OPEN IN ERROR. SEE JUDICIAL ORDER ENTERED UNDER CONTROL NO. 24095206. ...OJR TXF		

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- [▶ Case Parties](#)
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CERTIFICATE OF SERVICE

I, Alison Stohr, hereby certify that on the date set forth below, I served a true and correct copy of the foregoing **Notice of Appeal**, upon the person(s) and in the manner indicated below, in conformance with Pa. R. App. P. 906:

By Email and eService, via the Philadelphia Courts' electronic filing system:

Stephen A. Loney, Esq.

sloney@aclupa.org

ACLU of Pennsylvania

P.O. Box 60173

Philadelphia, PA 19102

(215) 592-1513

Claudia De Palma, Esq.

cdepalma@pubintl.org

The Public Interest Law Center

2 Penn Center

1500 JFK Boulevard, Suite 802

Philadelphia, PA 19102

(267) 546-1313

Attorneys for Petitioners

Linda A. Kerns, Esq.

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By U.S. Mail:

The Honorable James C. Crumlish, III

Court of Common Pleas of Philadelphia County

City Hall, Room 534

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Philadelphia, PA, 19107

Trial Judge

By Email (by agreement per Pa. R. App. P. 121):

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Court Reporter, Digital Recording and Interpreter Administration

First Judicial District of Pennsylvania

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Respectfully submitted,

/s/ Alison Stohr

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Affirmative & Special Litigation Unit

Date: October 1, 2024

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