## IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY, PENNSYLVANIA

)

FAITH GENSER and FRANK MATIS,

Petitioners,

v.

BUTLER COUNTY BOARD OF ELECTIONS,

Respondent,

v.

REPUBLICAN NATIONAL COMMITTEE and REPUBLICAN PARTY OF PENNSYLVANIA, AND THE PENNSYLVANIA DEMOCRATIC PARTY,

Intervenors.

MARY M. MCKENZIE (No. 47434) BENJAMIN D. GEFFEN (No. 310134) PUBLIC INTEREST LAW CENTER 1500 JFK Blvd., Suite 802 Philadelphia, PA 19102 mmckenzie@pubintlaw.org 267-546-1319 bgeffen@pubintlaw.org 267-546-1308

WITOLD J. WALCZAK (No. 62976) RICHARD T. TING (No. 200438) ACLU OF PENNSYLVANIA P.O. Box 23058 Pittsburgh, PA 15222 412-681-7864 vwalczak@aclupa.org rting@aclupa.org CIVIL DIVISION

MSD No. 2024-40116

PETITIONERS' NOTICE OF APPEAL

Hon. Dr. S. Michael Yeager, President Judge

Filed on behalf of: Petitioners, Faith Genser and Frank Matis

MARIAN K. SCHNEIDER (No. 50337) STEPHEN A. LONEY (No. 202535) KATE STEIKER-GINZBERG (No. 332236) ACLU OF PENNSYLVANIA P.O. Box 60173 Philadelphia, PA 19102 215-592-1513 mschneider@aclupa.org sloney@aclupa.org

MARTIN J. BLACK (No. 54319) NJEFFREY S. EDWARDS (No. 73978) LUKE M. REILLY (No. 324792) STEVEN OBERLANDER (No. 334207) DECHERT LLP 2929 Arch Street Philadelphia, PA 19104 (215) 994-4000 martin.black@dechert.com jeffrey.edwards@dechert.com luke.reilly@dechert.com steven.oberlander@dechert.com

Counsel for Petitioners

Notice is hereby given that Faith Genser and Frank Matis, Petitioners above named, hereby appeal to the Commonwealth Court of Pennsylvania, from the Order of Court of Common Pleas of Butler County entered in the above case on the 16th Day of August, 2024, dismissing Petitioners' Petition for Review in the Nature of a Statutory Appeal. This Order has been entered in the docket as evidenced in the attached copy of the docket entry. A Transcript was already prepared, and entered in the docket on May 13, 2024, as evidenced in the attached copy of the docket entry.

Respectfully submitted this 19th Day of August, 2024,

MARIAN K. SCHNEIDER (No. 50337) STEPHEN A. LONEY (No. 202535) KATE STEIKER-GINZBERG (No. 332236) ACLU of Pennsylvania P.O. Box 60173 Philadelphia, PA 19102 215-592-1513 267-573-3054 (fax) mschneider@aclupa.org sloney@aclupa.org ksteiker-ginzberg@aclupa.org

WITOLD J. WALCZAK (No. 62976) RICHARD T. TING (No. 200438) ACLU OF PENNSYLVANIA P.O. Box 23058 Pittsburgh, PA 15222 412-681-7864 vwalczak@aclupa.org rting@aclupa.org

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Counsel for Petitioners

## **CERTIFICATE OF COMPLIANCE**

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential

information and documents.

Dated: August 19, 2024

REFERENCE ON THIS PART OF THE OWNER OF THE

#### **CERTIFICATE OF SERVICE**

I hereby certify that on this 19th Day of August, 2024, I am serving upon those listed

## below a true and correct copy of **PETITIONERS' NOTICE OF APPEAL**:

#### Via FedEx Overnight Delivery

President Judge S. Michael Yeager Court of Common Pleas of Butler County Butler County Government Center 124 W. Diamond Street Butler, PA 16003

#### Via Electronic Mail

Kathleen Jones Goldman Buchanan Ingersoll & Rooney, P.C Union Trust Building 501 Grant Street, Suite 200 Pittsburgh, PA 15219 412-562-1401 Kathleen.goldman@bipc.com

Counsel for Respondent

Clifford B. Levine David F. Russey Dentons Cohen & Grigsby P.C. 625 Liberty Avenue, 5th Floor Pittsburgh, PA 15222-3152 412-207-4900 clifford.levine@dentons.com david.russey@dentons.com *Counsel for Intervenor The Pennsylvania Democratic Party*  Kathleen A. Gallagher Brian M. Adrian The Gallagher Firm, LLC 436 Seventh Avenue, 31st Floor Pittsburgh, PA 15219 412-308-5512 kag@gallagherlawllc.com bma@gallagherlawllc.com

John M. Gore E. Stewart Crosland Jones Day 51 Louisiana Avenue, N.W. Washington, D.C. 20001 202-879-3939 jmgore@jonesday.com scrosland@jonesday.com

Thomas W. King, III Thomas E. Breth Dillon, McCandless, King, Coulter & Graham, LLP 128 W. Cunningham Street Butler, PA 16001 724-283-2200 tking@dmkcg.com tbreth@dmkcg.com

Counsel for Intervenors Republican National Committee and Republican Party of Pennsylvania

# PROTHONOTARY OF BUTLER COUNTY

Kelly Ferrari Prothonotary



FAITH GENSER et al. VS BUTLER COUNTY BOARD OF ELECTIONS et al.

CASE NUMBER MSD-2024-40116

## **Case Participants** Plaintiff

FAITH GENSER

# Plaintiff FRANK MATIS

#### Attorney (Plaintiff)

AMERICAN CIVIL LIBERTIES UNION PO BOX 23058 PITTSBURGH, PA 15222

#### Intervenor

**REPUBLICAN NATIONAL** COMMITTEE

Attorney (Defendant) JONES DAY 51 LOUISIANA AVENUE, N.W. WASHINGTON, DC 20001

### Attorney (Plaintiff)

DECHERT LLP CIRA CENTRE 2929 ARCH STREET PHILADELPHIA, PA 19104

Intervenor REPUBLICAN PARTY OF PENNSYLVANIA

Attorney (Defendant)

P.C.

**5TH FLOOR** 

412-297-4900

Attorney (Defendant) BUCHANAN, INGERSOLL & ROONEY, P.C. UNION TRUST BUILDING 501 GRANT STREET SUITE 200 PITTSBURGH, PA 15219-1410 412-562-8800

**DENTONS COHEN & GRIGSBY** 

PITTSBURGH, PA 15222-3152

#### Attorney (Defendant)

DILLON MCCANDLESS KING COULTER & GRAHAM, L.L.P. 128 WEST CUNNINGHAM STREET 625 LIBERTY AVENUE **BUTLER, PA 16001** 724-283-2200

# **Attorney Relationships**

Attorney (Plaintiff) PUBLIC INTEREST LAW CENTER Attorney (Plaintiff) DECHERT LLP

# Plaintiff FAITH GENSER Plaintiff FAITH GENSER

Case Number: MSD-2024-40116

(c) CountySuite Prothonotary, Teleosoft, Inc.

Attorney (Plaintiff) PUBLIC INTEREST LAW CENTER 1500 JFK BOULEVARD **SUITE 802** 

PHILADELPHIA, PA 19102

## Defendant

BUTLER COUNTY BOARD OF **ELECTIONS** 227 WEST CUNNINGHAM STREET BUTLER, PA 16001

Intervenor

THE PENNSYLVANIA DEMOCRATIC PARTY

Attorney (Defendant)

THE GALLAGHER FIRM LLC **436 SEVENTH AVENUE 31ST FLOOR** PITTSBURGH, PA 15219

Printed By:

#### **Attorney Relationships** Attorney (Plaintiff) Plaintiff AMERICAN CIVIL LIBERTIES UNION FAITH GENSER Attorney (Plaintiff) Plaintiff PUBLIC INTEREST LAW CENTER FRANK MATIS Attorney (Plaintiff) Plaintiff DECHERT LLP FRANK MATIS Attorney (Plaintiff) Plaintiff AMERICAN CIVIL LIBERTIES UNION FRANK MATIS Attorney (Defendant) Defendant BUCHANAN, INGERSOLL & ROONEY, P.C. BUTLER COUNTY BOARD OF ELECTIONS Attorney (Defendant) Intervenor JONES DAY **REPUBLICAN NATIONAL COMMITTEE** Attorney (Defendant) Intervenor **DILLON MCCANDLESS KING COULTER & REPUBLICAN NATIONAL COMMITTEE** GRAHAM, L.L.P. Attorney (Defendant) Intervenor THE GALLAGHER FIRM LLC **REPUBLICAN NATIONAL COMMITTEE** Interveno Attorney (Defendant) JONES DAY **REPUBLICAN PARTY OF PENNSYLVANIA Attorney (Defendant)** Intervenor **DILLON MCCANDLESS KING COULTER & REPUBLICAN PARTY OF PENNSYLVANIA** GRAHAM, L.L.P. Attorney (Defendant) Intervenor THE GALLAGHER FIRM LLC **REPUBLICAN PARTY OF PENNSYLVANIA** Attorney (Defendant) Intervenor **DENTONS COHEN & GRIGSBY P.C** THE PENNSYLVANIA DEMOCRATIC PARTY **Prothonotary Docket Entries**

Entry	Pages
04/29/2024 01:15 PM SUPREME COURT OF PENNSYLVANIA CIVIL COVER SHEET	1
04/29/2024 01:15 PM PETITION FOR REVIEW IN THE NATURE OF A STATUTORY APPEAL	41
04/29/2024 04:04 PM	3
ORDER OF COURT DATED 4/29/24 IT IS ORDERED THAT A RULE IS ISSUED UPON THE RESPONDENT THE BUTLER CO BOARD OF ELECTIONS TO APPEAR AND SHOW CAUSE WHY THE PETITIONERS ARE NOT ENTITLED TO THE RELIEF REQUESTED, A HEARING IS	
SCHEDULED FOR 5/7/24 AT 10:30 AM IN CR#3, A COPY OF THE PETITION AND THIS ORDER SHALL BE SERVED BY THE SHERIFF'S OFFICE OF BUTLER CO	

# Prothonotary Docket Entries

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04/29/2024 04:05 PM RULE 236 NOTICE THE PROTHONOTARY OF BUTLER COUNTY, PENNSYLVANIA HEREBY	0
CERTIFIES THAT A COPY OF THE FOREGOING ORDER WAS MAILED TO: AMERICAN CIVIL LIBERTIES UNION - PITTSBURGH (CERT COPY OF PETITION, ORDER AND RULE FOR SERVICE); AMERICAN CIVIL LIBERTIES UNION - PHILADELPHIA; PUBLIC INTEREST LAW CENTER; DECHERT LLP; BUTLER CO BOARD OF ELECTIONS (INTER OFFICE MAIL AND EMAIL); SHERIFF ON 4/30/24, BY FIRST CLASS MAIL, POSTAGE PREPAID.	
04/29/2024 04:07 PM ASSIGNMENT OF JUDGE - DR S MICHAEL YEAGER	1
05/06/2024 10:57 AM APPEARANCE OF KATHLEEN JONES GOLDMAN OF BUCHANAN INGERSOLL & ROONEY PC ON BEHALF OF BUTLER CO BOARD OF ELECTIONS	4
05/06/2024 03:33 PM PETITION FOR LEAVE TO INTERVENE FILED ON BEHALF OF PROPOSED INTERVENOR- RESPONDENTS REPUBLICAN NATIONAL COMMITTEE AND REPUBLICAN PARTY OF PENNSYLVANIA	56
05/07/2024 08:52 AM PETITION TO INTERVENE OF THE PENNSYLVANIA DEMOCRATIC PARTY	16
05/07/2024 09:04 AM APPEARANCE OF BENJAMIN GEFFEN OF THE PUBLIC INTEREST LAW CENTER ON BEHALF OF PETITIONERS	2
05/07/2024 09:05 AM APPEARANCE OF KATE STEIKER-GINZBERG OF THE ACLU OF PENNSYLVANIA ON BEHALF OF PETITIONERS	2
05/07/2024 10:31 AM ORDER OF COURT GRANTING THE APPLICATION TO INTERVENE OF THE PA DEMOCRATIC PARTY DATED 5/7/24 IT IS ORDERED THAT THE PETITION IS GRANTED THE COURT DIRECTS THE PROTHONOTARY TO ENDER THE PA DEMOCRATIC PARTY ON THE DOCKET AS INTERVENOR	2
05/07/2024 10:32 AM RULE 236 NOTICE THE PROTHONOTARY OF BUTLER COUNTY, PENNSYLVANIA HEREBY CERTIFIES THAT A COPY OF THE FOREGOING ORDER WAS MAILED TO: THE GALLAGHER FIRM LLC; PUBLIC INTEREST LAW CENTER; JONES DAY; DMKC&G LLP; DENTONS COHEN & GRIGSBY PC; DECHERT LLP; AMERICAN CIVIL LIBERTIES UNION - PITTSBURGH; AMERICAN CIVIL LIBERTIES UNION - PHILADELPHIA; BUCHANAN INGERSOLL & ROONEY PC; BUTLER CO ELECTION BUREAU (INTER OFFICE MAIL) ON 5/7/23, BY FIRST CLASS MAIL, POSTAGE PREPAID.	0
05/07/2024 10:34 AM ORDER OF COURT DATED 5/7/24 IT IS ORDERED THAT SAID PETITION IS GRANTED THE BUTLER CO PROTHONOTARY IS DIRECTED TO ENTER THE NAMES OF THE REPUBLICAN NATION COMMITTEE AND THE REPUBLICAN PARTY OF PA AS INTERVENOR-RESPONDENTS	3

# **Prothonotary Docket Entries**

#### 05/07/2024 10:35 AM 0 RULE 236 NOTICE THE PROTHONOTARY OF BUTLER COUNTY, PENNSYLVANIA HEREBY CERTIFIES THAT A COPY OF THE FOREGOING ORDER WAS MAILED TO: THE GALLAGHER FIRM LLC: PUBLIC INTEREST LAW CENTER: JONES DAY: DMKC&G LLP: DENTONS COHEN & GRIGSBY PC; DECHERT LLP; AMERICAN CIVIL LIBERTIES UNION - PITTSBURGH; AMERICAN CIVIL LIBERTIES UNION - PHILADELPHIA; BUCHANAN INGERSOLL & ROONEY PC; BUTLER CO ELECTION BUREAU (INTER OFFICE MAIL) ON 5/7/23, BY FIRST CLASS MAIL, POSTAGE PREPAID. 05/07/2024 11:27 AM 5 APPEARANCE OF THOMAS W KING III OF DMKC&G LLP ON BEHALF OF INTERVENORS REPUBLICAN NATIONAL COMMITTEE AND THE REPUBLICAN PARTY OF PENNSYLVANIA 05/07/2024 11:28 AM 5 APPEARANCE OF KATHLEEN A GALLAGHER AND BRIAN M ADRIAN OF THE GALLAGHER FIRM LLC ON BEHALF OF INTERVENORS REPUBLICAN NATIONAL COMMITTEE AND THE **REPUBLICAN PARTY OF PENNSYLVANIA** 05/07/2024 11:29 AM 8 MOTION TO DISMISS PETITION FOR REVIEW IN THE NATURE OF A STATUTORY APPEAL FILED ON BEHALF OF INTERVENORS REPUBLICAN NATIONAL COMMITTEE AND THE REPUBLICAN PARTY OF PENNSYLVANIA 05/07/2024 11:31 AM 13 BRIEF IN SUPPORT OF MOTION TO DISMISS PETITION FOR REVIEW IN THE NATURE OF A STATUTORY APPEAL FILED ON BEHALF OF INTERVENORS REPUBLICAN NATIONAL COMMITTEE AND THE REPUBLICAN PARTY OF PENNSYLVANIA 05/13/2024 01:30 PM 2 **REQUEST FOR TRANSCRIPT OR COPY BUTLER COUNTY - 24-135** 191 05/13/2024 03:14 PM TRANSCRIPT OF PETITION FOR REVIEW IN THE NATURE OF A STATUTORY APPEAL & MOTION TO DISMISS PETITION FOR REVIEW IN THE NATURE OF A STATUTORY APPEAL HELD 5/7/24 BEFORE THE HONORABLE DR. S. MICHAEL YEAGER 05/13/2024 04:06 PM 2 **REQUEST FOR TRANSCRIPT OR COPY BUTLER COUNTY - 24-134** 05/13/2024 04:07 PM 2 **REOUEST FOR TRANSCRIPT OR COPY BUTLER COUNTY - 24-139** 05/14/2024 11:45 AM 5 CONSENT ORDER OF COURT DATED 5/13/24 IT IS ORDERED THAT THE BUTLER CO BUREAU OF ELECTIONS IS AUTHORIZED TO CERTIFY THE RESULTS OF THE 4/23/24 PRIMARY **ELECTION** 0 05/14/2024 11:58 AM RULE 236 NOTICE THE PROTHONOTARY OF BUTLER COUNTY, PENNSYLVANIA HEREBY CERTIFIES THAT A COPY OF THE FOREGOING ORDER WAS MAILED TO: THE GALLAGHER FIRM LLC: PUBLIC INTEREST LAW CENTER; JONES DAY; DMKC&G LLP; DENTONS COHEN & GRIGSBY PC: DECHERT LLP: AMERICAN CIVIL LIBERTIES UNION - PITTSBURGH; AMERICAN CIVIL LIBERTIES UNION - PHILADELPHIA; BUCHANAN INGERSOLL & ROONEY PC; BUTLER CO ELECTION BUREAU (INTER OFFICE MAIL) ON 5/15/23, BY FIRST CLASS MAIL, POSTAGE PREPAID.

Prothonotary Docket Entries	
05/17/2024 01:58 PM REQUEST FOR TRANSCRIPT OR COPY BUTLER COUNTY - 24-137	2
06/17/2024 02:36 PM EXHIBITS INDEX FORM PROCEEDINGS HELD MAY 7, 2024	27
06/28/2024 10:52 AM PETITIONERS' MEMORANDUM OF LAW IN SUPPORT OF ELECTION APPEAL	119
06/28/2024 10:55 AM THE PENNSYLVANIA DEMOCRATIC PARTY'S BRIEF IN SUPPORT OF PETITIONERS' PETITION FOR REVIEW IN THE NATURE OF A STATUTORY APPEAL	23
06/28/2024 02:18 PM BRIEF IN OPPOSITION TO PETITION FOR REVIEW IN THE NATURE OF A STATUTORY APPEAL FILED ON BEHALF OF INTERVENOR-RESPONDENTS, REPUBLICAN NATIONAL COMMITTEE AND REPUBLICAN PARTY OF PENNSYLVANIA	70
06/28/2024 02:35 PM RESPONDENT'S MEMORANDUM IN OPPOSITION TO PETITION FOR REVIEW IN THE NATURE OF A STATUTORY APPEAL, FILED ON BEHALF OF RESPONDENT BUTLER CO BOARD OF ELECTIONS	42
06/28/2024 02:37 PM BOARD OF ELECTIONS ANSWER TO PETITION FOR REVIEW IN THE NATURE OF STATUTORY APPEAL, FILED ON BEHALF OF RESPONDENT BUTLER CO BOARD OF ELECTIONS	16
08/16/2024 02:33 PM ORDER OF COURT DATED 8/16/24THE CAPTION IN THIS ATTER IS AMENDED, SEE ATTACHED SCANNED IMAGE FOR FULL DETAILS	3
08/16/2024 02:34 PM RULE 236 NOTICE THE PROTHONOTARY OF BUTLER COUNTY, PENNSYLVANIA HEREBY CERTIFIES THAT A COPY OF THE FOREGOING ORDER WAS MAILED TO: AMERICAN CIVIL LIBERTIES UNION; AMERICAN CIVIL LIBERTIES UNION; BUCHANAN INGERSOLL & ROONEY PC; DENTONS COHEN & GRISBY PC; DMKC&G LLP; PUBLIC INTERSET LAW CENTER; DECHERT LLP; THE GALLAGHER FIRM LLC; JONES DAY; BUTLER CO BOARD OF ELECTIONS (INTER OFFICE MAIL) ON 8/16/24, BY FIRST CLASS MAIL, POSTAGE PREPAID.	
08/16/2024 02:39 PM MEMORANDUM OPINION AND ORDER OF COURT DATED 8/16/24 IN ACCORDANCE WITH THI MEMORANDUM OPINION, THE PETITIONERS' PETITION FOR REVIEW IN THE NATURE OF A STATUTORY APPEAL IS DISMISSED	32 E
08/16/2024 02:40 PM RULE 236 NOTICE THE PROTHONOTARY OF BUTLER COUNTY, PENNSYLVANIA HEREBY CERTIFIES THAT A COPY OF THE FOREGOING ORDER WAS MAILED TO: AMERICAN CIVIL LIBERTIES UNION; AMERICAN CIVIL LIBERTIES UNION; BUCHANAN INGERSOLL & ROONEY PC; DENTONS COHEN & GRISBY PC; DMKC&G LLP; PUBLIC INTERSET LAW CENTER; DECHERT LLP; THE GALLAGHER FIRM LLC; JONES DAY; BUTLER CO BOARD OF ELECTIONS (INTER OFFICE MAIL) ON 8/16/24, BY FIRST CLASS MAIL, POSTAGE PREPAID.	
08/16/2024 03:16 PM APPEARANCE WITHDRAWN OF CHRISTIAN J MYERS OF DENTONS COHEN & GRIGSBY PC. DENTONS COHEN & GRIGSBY PC. WILL CONTINUE TO REPRESENT THE PA DEMOCRATIC PARTY	6
Case Number: MSD-2024-40116	Printed By

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**Prothonotary Docket Entries** 

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Total Number of Pages:

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REPARTMENT ON THE REPARTMENT OF THE REPARTMENT

Case Number: MSD-2024-40116

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