

**In the
Supreme Court of the United States**

GREGORY STENSTROM AND LEAH HOOPES,
Petitioners,

v.

DELAWARE COUNTY BOARD OF ELECTIONS,
Respondent.

**On Petition for a Writ of Certiorari to the
Commonwealth Court of Pennsylvania**

PETITION FOR REHEARING

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Note: There are no external authorities cited in the rehearing brief; thus, no table of authorities is included.



PETITION FOR REHEARING OF DENIAL OF WRIT OF CERTIORARI

1. Plaintiffs Stenstrom and Hoopes were denied Writ of Certiorari without opinion on January 23rd, 2023 (SCOTUS Docket 22-503). Plaintiffs request reconsideration based on fungible “justiciability” and denial of due process, and denial of equal protection under the law. Recent developments regarding Plaintiffs’ vigorous efforts to preserve evidence for the subject case, that were not available at the time of filing the original Writ of Certiorari, are also included for consideration.

2. Fungible “justiciability” and denial of Pro Se litigants constitutional rights to due process are fully documented in the subject case and collateral case. Lower courts that refuse to hear cases; arbitrarily dismiss meritorious cases without opinion and surface area to appeal; refuse to allow evidentiary hearings; refuse to acknowledge evidence included in complaints; refuse to enforce the preservation and protection of evidence; and acquiesce to their orders being thwarted or ignored without repercussion; must be given clear precedential orders and guidance.

3. Plaintiffs have undisputed evidence of massive election fraud in the 2020 election in Delaware County, Pennsylvania, which changed the outcomes of local, state and federal elections, and enabled the illegitimate installation of representatives, including the President of the United States.

4. Plaintiffs have produced undisputed evidence that over 170,000 ballots of 327,000 were fraudulent

in the form of video, audio, photograph, emails, texts, government reports, affidavits, sworn testimony, and other documentation of election fraud that includes the wanton spoliation of evidence and election materials required to be maintained for inspection by federal and state law, in Delaware County, Pennsylvania.

- a. ~130,000 fake mail-in ballots were substituted for ~70,000 authentic (real) mail-in ballots which were found by Plaintiffs in a sequestered back room as a result of an injunction secured by Plaintiffs.
- b. ~50,000 fake electronic ballots were observed being injected into the election tabulation via portable electronic media (vDrives).
- c. All court orders related to the administration of the 2020 general election in Delaware County, Pennsylvania were wantonly ignored by the Defendants, and left unadjudicated by dismissal of subject case(s).
 - i. U.S. Supreme Court Justice Alito's order to segregate ballots received after 8 p.m. election night was wantonly ignored by Defendants.
 - ii. Common Pleas Court of Delaware County Judge Pagano's order to permit observers to observe all canvassing areas was wantonly ignored by Defendants.
 - iii. Common Pleas Court of Delaware County Judge Capuzzi's order to permit viewing of sequestered canvas and ballot storage for 5 minutes every 2 hours was wantonly ignored by Defendants.

d. A bipartisan Return Board, required by state and federal statute to examine election results could not reconcile the 2020 general election or determine the pedigree of tens of thousands of votes.

- i. Of the 428 Delaware County precincts, 220 of 428 official return sheet election records were not returned, or otherwise missing, as required by federal and state election law.
- ii. Return Sheets, Oaths of Office of election workers, and other records required to be submitted and maintained by Defendants were subsequently forged and fabricated in response to Plaintiffs' Right to Know requests, and election officials were caught by whistleblower video and audio admitting to said fabrications and election fraud.
- iii. USB vDrives, which are the official election record, were fabricated, as well, and election officials were also caught by whistleblower video and audio admitting to this.
- iv. Official election Proof Sheets (voting machine paper receipts) were destroyed, with Defendant election officials being caught on video laughingly shredding them.
- v. All mail-in ballot external envelopes, and mail sorting machine photographic images of those envelopes were destroyed by Defendants.
- vi. All internal hard drive images of the tabulation server, and voting machines were wiped and destroyed in violation of federal and state election law.

vii. Lawful Right to Know requests for Cast Vote Records (CVR's), which include scanned ballot images from in-person voting machines, and central mail-in ballot voting machine scanners were denied, and these records were destroyed, as well.

e. There are no chain of custody records for mail-in ballots, portable vDrives from voting machines that were used to tabulate in-person voting, or drop boxes, as required by federal and state law, and certification of voting machines (46% of ALL drop boxes in Pennsylvania were located in Delaware County).

5. No judge or court would allow an evidentiary hearing, discovery, oral arguments, or jury trial, all of which were requested by Plaintiffs, denying them due process, equal protection, and demonstrating fungible “justiciability.”

6. Plaintiffs exhausted all administrative remedies immediately after the November 3rd, 2020 election, including:

a. Publicly testifying before Pennsylvania legislators in Gettysburg, PA.

b. Submitting HAVA violation reports.

c. Making formal requests for intervention from law enforcement including Delaware County District Attorney Stollsteimer, PA Attorney General Shapiro, and U.S. Attorney McSwain.

i. U.S. Attorney General Barr quashed U.S. Attorney McSwain's investigation, memorializing it in his autobiography as “all bullshit.”

- ii. All officials refused to investigate the allegations despite a fiduciary duty to do so in accordance with state and federal law.
 - 1. Pennsylvania Attorney General (now Governor) Shapiro being both beneficiary of the fraud, and a Biden elector, refused to investigate, calling the allegations “The Big Lie.”
 - 2. Chairperson of the Defendant Delaware County Board of Elections (BOE), Gerald Lawrence, a facilitator of the fraud, was also a Biden Elector.
 - 3. Appointed BOE Solicitor, Manly Parks, a facilitator and a director of the fraud, was the Solicitor for the Delaware County Democrat Party immediately preceding the May 2020 primary throughout the 2020 election cycles to present.

7. After exhausting their administrative remedies, Plaintiffs submitted their subject case December 8th, 2020, which was ruled on by Judge Capuzzi on January 11th, 2021, with his order to dismiss, venomous opinion, and inviting punitive sanctions from Defendants against Plaintiffs, which were granted in excess of \$50,000 against Plaintiffs, refusing request for evidentiary hearing, discovery, oral arguments, or trial. Judge Capuzzi held a closed hearing with GOP and DNC attorneys, in private, without record or transcript, where they all “amicably” settled the matter without Plaintiffs being present, denying them due process.

8. Plaintiffs submitted timely notice of appeal, and the appellate Commonwealth Court of Pennsylvania

nia (Harrisburg) delayed ten (10) months; the Pennsylvania Supreme Court then delayed six (6) months, with U.S. Supreme Court Conference of January 20th, 2023 then taking another six (6) months, for over a two-year delay since the election, that was entirely at the discretion of the courts. All courts demonstrated an inexplicable lack of curiosity or concern for considering the undisputed evidence alliterated herein, and documented in great detail in voluminous complaint(s), motions, and exhibits, all available for purview by the courts since the emanation of the subject case.

9. In the interim since Plaintiffs' Writ of Certiorari was submitted for originating case CV-2020-007523, Plaintiffs were forced to continuously and vigorously fight to protect evidence critical to the subject case from wanton spoliation by Defendants in their related, parallel Common Pleas Court of Delaware County case CV-2022-000032.

a. Plaintiffs filed the case to protect evidence on October 18th, 2021, but the Common Pleas Court of Delaware County aggressively fought to prevent submission of 98 Exhibits documenting fraud for three months, not permitting the filing to be completed until January 1st, 2022.

b. Judge Whelan was not assigned to the case for another six (6) months until June 22nd, 2022, and similar to the subject case, also denied evidentiary hearing, discovery, oral arguments and trial, issuing an order on July 8th, 2022 dismissing the case as "moot," and again inviting punitive sanctions against the Plaintiffs, which were vigorously sought by Defendants.

10. In contrast to the two-and-a-half-year trajectory Plaintiffs have struggled with the courts to even assign a judge to consider their complaints and motions, a citizen who does not pay a parking ticket or administrative traffic violation would be targeted by a judge with a warrant for their arrest within 30-to-60 days. This disparity in “justice” and example of judicial whimsy given the alliteration herein of undisputed facts and evidence of massive election fraud that has impacted the nation is the definition of fungible “justiciability.”

11. Plaintiffs filed a full appellate brief for the collateral case to protect evidence critical to the subject case of the requested Writ of Certiorari with the Commonwealth Court at the 60-day deadline, in the blind, and in an abundance of caution, being rightfully wary that their appeal would be administratively quashed for laches, because they had not been notified of their acceptance as Pro Se appellants by the Commonwealth Court in accordance with rules of civil procedure. Their brief was stricken, and their appeal was ultimately quashed for not including the sentence “Judge Whelan was electronically served” in the body of their Proof of Service, despite multiple calls and attempts by Plaintiffs to cure the problem, and the fact that Judge Whelan was materially served in accordance with local procedure, and as evidenced by his own curation of his order with a prepended opinion. **Plaintiffs’ stricken appellate brief is included at Reh.App.1a-72a, with a high probability that the U.S. Supreme Court will be the only court that ever sees it.**

12. In their defense of the punitive sanctions that came with Judge Whelan’s invitation in CV-2022-

000032, Plaintiffs submitted a Sur Reply that plainly and bluntly accused District Attorney Stollsteimer of corruption, criminality, and false statements regarding an alleged forensic investigation of Plaintiffs video, audio and forensic evidence which he publicly declared “a fiction” despite lying about conducting said investigation. Judge Whelan ignored adjudication of the Sur Reply and other motions submitted by Plaintiffs, without order, or opinion. (See Reh.App.73a-149a)

13. In response to Plaintiffs’ appeal in that related case, in which Plaintiffs fought to preserve evidence that was critical to the subject case and Writ of Certiorari, Judge Whelan forged and fabricated a post appeal opinion to curate the appellate record, and then ignored a motion by Plaintiffs to strike the unlawfully inserted opinion, as well as correct the incomplete transmittal of the docket to the appellate (Commonwealth) court, and would be transmitted as part of the complete records, to the U.S. Supreme Court if Writ of Certiorari were granted. (See Reh.App.172a-245a)

14. Indeed, Plaintiffs’ purpose in including the voluminous Exhibits (1, 2, and 3) is to provide only several examples of the lower courts’ gross abuses of judicial discretion and fungible notions of “justiciability” in giving themselves (the courts) the widest possible latitude in blatantly violating rules of civil procedure, rules of appellate procedure, and being permissive of the most outrageous violations of the rules of professional conduct by Defendants, while routinely denying the Plaintiffs’ rights to due process and equal protection. Throughout the entire trajectory of Plaintiffs’ rightful attempts to have ANY evidence of election fraud heard since the 2020 general election to the present 2022 elections, the lower courts capri-

ciously quashed, dismissed cases and motions without opinion or hearings; or simply ignored adjudicating or ruling on motions, filings, and briefs they seem to have found inconvenient or contrarian to the false narrative of “the safest and most secure elections in history.”

15. Plaintiffs have been in a two and a half year battle with recalcitrant law enforcement, justice officials, and courts to simply allow an evidentiary hearing and trial in continuous tests of fungible “justiciability,” denial of due process, and blatant abuses of judicial discretion.

16. Plaintiffs have filed carefully documented allegations of:

- a. Massive election fraud in the 2020 general election
- b. Grand mal public corruption that includes civil and criminal violations of law committed by:
 - i. Delaware County Election officials
 - ii. Delaware County District Attorney (soon to be Attorney General) Stollsteimer
 - iii. Pennsylvania Attorney General (now Governor) Shapiro
 - iv. Former U.S. Attorney General Barr
 - v. Common Pleas Court of Delaware County, Pennsylvania Judge Whelan
- c. Wanton spoliation of evidence

17. Plaintiffs have a current case regarding nearly identical civil and criminal violations of election law for the 2022 general election (Common Pleas Court of

Delaware County case CV-2022-008091) filed on October 31st, 2022 with exchanges of Defendant objections, Plaintiff responses, and multiple motions that have languished for over three months without assignment of a judge, in an identical trajectory of their two (2) related 2020 general election cases, of which CV-2020-007523 (SCOTUS docket 22-503) is the subject of this request for reconsideration.

18. And why should the lower courts, law enforcement and justice officials, or illegitimately installed representatives concern themselves with Plaintiffs' allegations and evidence, if the U.S. Supreme Court remains idle, mute, and impotent in enforcing its own orders?

19. Remaining mute and denying constitutional due process to Pro Se Plaintiffs as a matter of fungible "justiciability" is an invitation to maleficent persons and parties to continue on their trajectory to "fundamentally transform" the United States using the mechanism of fraudulent elections, including the eventual obliteration of the courts, and the sovereignty of the citizens in addressing their grievances in those courts.

20. Should the US Supreme Court reconsider Plaintiffs' Writ of Certiorari and order full transmittals of dockets for the subject case (CV-2020-007523) and related and referenced cases (CV-2022-000032 and CV-2022-008091) the Plaintiffs are certain the Court will be appalled at the sheer volume of violations of law, civil and criminal, of government officials, law enforcement, justice officials, and the courts denial of constitutional rights, denial of due process, and denial of equal protection of the Pro Se Plaintiffs.



SUMMARY

21. Plaintiffs have undisputed evidence of massive election fraud that changed the outcomes of local, state and national elections in 2020, and were denied due process and equal protection under the law by the courts, and their right to jury trial where their evidence could be heard.

22. All of the involved courts and judges in the subject case, including the U.S. Supreme Court, that issued orders regarding the administration of the 2020 general election, were ignored and rebuked by the Defendants in this subject case, and other election officials in eight (8) targeted swing states and thirty-two (32) targeted pivot counties that changed the outcome of the national election, and the will of the citizenry in 3,243 counties and county equivalents in the United States.

23. The wanton violation of these court orders, and continued violation of federal and state election laws by the Defendants, and other Defendant government bodies throughout the country, without rebuttal or repercussion from those courts is a clear demonstration of the impotence of those courts.

24. A Court, any Court, that allows fungible “justiciability,” and permits the wanton violations of law by government officials, and their open rebuke of the Court’s orders and authority, **has no authority.**



REMEDY

25. The primary remedy Plaintiffs requested in their Writ of Certiorari was that the U.S. Supreme Court hear their evidence and case themselves, or remand to another appropriate court with instructions and guidance.

26. Plaintiffs sole desire is that their rights to due process and equal protection be restored, and with it, the authority of the U.S. Supreme Court, and lower courts in restoring the citizenry's rightful expectations that the law will be uniformly applied, and the court's orders will be enforced, and obeyed.

27. There can be no more important cases to consider than election cases where credible evidence exists that the outcome of a national election was changed.

Respectfully submitted,

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FEBRUARY 17, 2023

**RULE 44 CERTIFICATE**

The undersigned Petitioners Pro Se, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury that the following is true and correct:

1. This petition for rehearing is presented in good faith and not for delay.
2. The grounds of this petition are limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented.

/s/ Gregory Stenstrom
Petitioner

/s/ Leah Hoopes
Petitioner

Executed on February 17, 2023

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**APPELLATE BRIEF OF APPELLANTS
LEAH HOOPES & GREGORY STENSTROM
FILED IN COMMONWEALTH COURT OF
PENNSYLVANIA (STRICKEN & QUASHED)
(OCTOBER 13, 2022)**

IN THE COMMONWEALTH COURT
OF PENNSYLVANIA

LEAH HOOPES and GREGORY STENSTROM,

Appellants,

v.

FORMER SECRETARY OF STATE KATHY
BOOCKVAR, in her official and individual capacity,
ET AL,

Appellees.

No. _____ CD _____

Appeal from Docketed Order dated July 15, 2022
Issued by the Honorable Judge Jack Whelan
of the Court of Common Pleas of Delaware County,
No. Cv-2022-000032

**APPELLATE BRIEF OF APPELLANTS
LEAH HOOPES & GREGORY STENSTROM**

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STATEMENT OF JURISDICTION

This Court has jurisdiction pursuant to Pa. R.A.P. 341(a) under which an appeal may be taken as of right from any final order of a government unit or trial court.

Appellants, Gregory Stenstrom and Leah Hoopes (hereinafter “Appellants”), are appealing the Order of the Honorable Jack Whelan, dated July 15th, 2022.

That Order, and Judge Whelan’s written Opinion which accompanied said Order, are attached hereto as Exhibit 1.

Judge Whelan denied Complaint with prejudice, which denial constitutes an appealable Order, providing the Commonwealth Court with jurisdiction to consider this appeal.

Appellants (then Plaintiffs) Hoopes and Stenstrom terminated and discharged their attorneys Thomas Carroll and Stefanie Lambert on July 25th, 2022 at 10:48 pm for refusing to comply with their direction to not file the motion for reconsideration those attorneys crafted, and provided for their review only hours before deadline.

The Delaware County Court of Common Pleas subsequently recognized and admitted Appellants Hoopes and Stenstrom Motions and Responses as Pro Se Plaintiffs, to which Appellants accordingly filed timely Notice of Appeal of subject order.

Appellants Stenstrom and Hoopes filed timely NOTICE OF APPEARANCE AS SELF-REPRESENTED PARTIES; PRO SE with the Commonwealth Court in accordance with 231 Pa. Code Rule 1012. Entry of Appearance. Withdrawal of Appearance. Notice.

Appellants Hoopes and Stenstrom have not received their case file, as requested of attorneys Thomas Carroll and Stefanie Lambert, and have thus filed this appeal, in part, using images of documents from the public docket in best effort to comply with the rules for filing.

Attorneys Carroll and Lambert have not yet filed for withdrawal, or specifically provided notice of withdrawal as Appellants' representatives, (also) in accordance with 231 Pa. Code Rule 1012. Entry of Appearance. Withdrawal of Appearance. Notice, nor communicated whether they intend to file Appeal on behalf of Ruth Moton, a third potential Appellant in addition to Hoopes and Stenstrom, aside from Notice in the Common Pleas docket.

Appellants Hoopes and Stenstrom have not received any other communications from Attorneys Carroll or Lambert, or Defendants' counsel, and are at disadvantage in being unsure of knowing of any other correspondence, letters, or notice outside of the Court of Common Pleas public docket.

ORDER IN QUESTION

On July 8th, 2022. Judge Whelan issued an order and opinion, denying Plaintiffs' Complaint with prejudice. This Order and Opinion were both docketed on July 15th, 2022. NOTE: Collateral orders regarding First Request for Sanctions and Second Request for Sanctions by Defendants for Plaintiffs were denied (without prejudice) and are not subject of this Appeal of the Plaintiffs' Complaint.

This Order and Opinion, attached hereto as Exhibit 1, were issued by Judge Whelan based upon errors of fact and law, which will be discussed below.

The text of this July 8th Order, docketed July 15th, 2022, states in its entirety:

AND NOW, this 8th day of July 2022 upon consideration of the preliminary objections of all Defendants to Plaintiff's Complaint and Plaintiffs response(s) thereto this court hereby finds as follows:

1. On November 24, 2020 Secretary of State Kathy Boockvar certified the results of the November 3, 2020 election in Pennsylvania for the president and Vice president of the United States.
2. Thereafter Governor Tom Wolf signed the Certificate of Ascertainment for the slate of electors for Joseph R Biden as president and Kamala D Harris as vice president of the United States.
3. Joseph Biden and Kamala Harris were inaugurated as President and Vice President of the United States on January 20, 2021.

4. On January 1, 2022 Plaintiffs Ruth Moton, Leah Hoopes and Gregory Stenstrom filed a 104 page Complaint seeking mandamus and injunctive relief related to the November 3 2020 election. Specifically, Plaintiffs raise a claim of common law fraud, fraudulent misrepresentation negligent misrepresentation common law quo warranto, and mandamus and equitable relief.
5. Plaintiffs Leah Hoopes and Gregory Stenstrom aver they were voters in the 2020 election and Plaintiff Ruth Moton avers she was both a voter and a candidate in the 2020 election. Plaintiff Moton lost her election in 2020 and the victors were inaugurated and sworn into office prior to the filing of the instant Complaint on January 1, 2022
6. On February 7, 2022 Defendants Delaware County, et al. filed preliminary objections to Plaintiff's Complaint.
7. On February 7, 2022 Defendant Kathy Boockvar also filed preliminary objections to Plaintiff's Complaint.
8. Plaintiffs filed a reply to both sets of Defendants' preliminary objections on February 28 2022.
9. This case was thereafter assigned to the undersigned in June of 2022.
10. In Pennsylvania it is well established that an actual case or controversy must exist at all stages of the judicial process, or the matter will be dismissed as moot *Strax v*

Com Dep't of Tramp Bureau of Driver Licensing, 138 Pa melth 368, 371, 588 A 2d 87 88 (1991) aff'd 530 Pa 203 607 A 2d 1075 (1992).

11. As the instant Complaint challenges the administration of an election that occurred in 2020 and the prevailing candidates in that election have been inaugurated the claims set forth in the Complaint are moot and must be dismissed.
12. This court further finds that the exceptions to the mootness doctrine to not apply.

WHEREFORE, this court hereby enters the following

AND NOW this 8th day of July 2022 upon consideration of the preliminary objections of all Defendants and Plaintiffs response(s) thereto it is hereby ORDERED and DECREED that said preliminary objections are SUSTAINED in their entirety Accordingly Plaintiffs Complaint is hereby DISMISSED WITH PREJUDICE

1. A copy of this Order from the Delaware County Court of Common Pleas public docket is attached hereto as part of Exhibit 1.

STATEMENT OF SCOPE & STANDARD OF REVIEW

A. Questions of Law

A Pennsylvania appellate court is always free, and is duty bound, to modify erroneous applications of law by the trial court, and the conclusion of the trial

judge on a question of law is subject to reversal if the appellate court finds it to be erroneous. *Mutual Ben. Ins. Co. v. Politopoulos*, 20T3 Pa.Super., 250,75 A.3d 528, 2 531 (2013); *n.Z.S. v. S.L.H.*, 2012 Pa.Super. 207, 54 A.3d 880, 88 (2012); *Adamitis v. Erie Ins. Exchange*, 2012 Pa. Super., 204,54 A.3d 371, 375 (2012).

“Where the petitioner raises questions of law, our standard of review is de novo and our scope of review is plenary.” *Commonwealth v. Riding*, 2013 Pa. Super 141, 68 A.3d 990, 994, (Pa.Super.2013).

To the extent that a legal question is at issue, a determination by the trial court will be given no deference and will instead be reviewed de novo. *Messina v. East Penn Trp.*, 619 Pa. 326, 62 A.3d 363, 366 (Pa. 2012)

Upon appellate review, this Court is not bound by the trial court’s conclusions of law. The Commonwealth Court may reach its own conclusions.

Hence, this Court need not defer to or accept the conclusions of the court below when determining whether the lower court erred as a matter of law in concluding that:

- (1) “As the instant Complaint challenges the administration of an election that occurred in 2020 and the prevailing candidates in that election have been inaugurated the claims set forth in the Complaint are “moot” and must be dismissed.”
- (2) “This court further finds that the exceptions to the mootness doctrine to not apply.”
- (3) Omitting ruling or opinion on the

multiple requests for relief in the Plaintiffs' Sur-Reply to Delaware County Defendants' Reply in Further Support of Their Motion for Sanctions (Exhibit 2) requesting adjudication and hearing (oral arguments) regarding Delaware County District Attorney Stollsteimer's demonstrably false public statements that he had conducted, and "closed" an investigation examining the 104-page complaint and 98 Exhibits documenting the evidence of violations, fraud, and spoliation as "fiction," before Judge Whelan issued his final order?

(4) Judge Whelan's classification of Appellants Stenstrom and Hoopes as (merely) "voters" versus "certified poll watchers" (with standing)?

This Court, sitting as an appellate court, is free to reject all of these erroneous conclusions of law and fact, if the Court finds them erroneous as a matter of law, and/or if the facts upon which Judge Whelan bases his erroneous conclusions of law are, themselves, unreliable and erroneous.

The trial court abuses its discretion if it does not follow legal procedure, incorrectly applies the law, or where its decision lacks reason. *Miller v. Sacred Heart Hospital*, 753 A.2d 829, 832 (Pa. Super. 2000).

This Court may reverse or modify a decision or ruling where there has been an error of law, an abuse of discretion, findings are not supported by the record, or for a capricious disbelief of the credible evidence. *C.R. by Dunnv. the Travelers*, 426 Pa. Super., 92,626 A.2d 588, 592 (Pa. Super. 1993)

B. Order resulting in dismissal: Judge Whelan denied the Petition with prejudice. “Our scope of review of a trial court order dismissing a complaint is whether the trial court committed an error of law or abused its discretion.” *Bell v. Rockview State Correctional Facility*, 153 Pa.Cmwlth., 721, 723, 620 A.2d 645, 647 n.4, (Pa. Cmwlth. 1993).

The effect of Judge Whelan’s denial of Intervenor’s Petitions with prejudice is tantamount to a dismissal of their entire case, with prejudice.

STATEMENT OF QUESTIONS INVOLVED

1. Did Judge Whelan err as a matter of law in determining that Appellants challenge of multiple grievous election violations, wanton spoliation of election materials required to be retained by State and Federal law, allegations of fraud by election officials, and multiple administrative requests for relief constitute a sole demand to overturn the November 2020 election? Appellants’ answer: yes.

2. Did Judge Whelan err as a matter of law in determining that “the exceptions to the mootness doctrine to not apply.” Appellants’ answer: yes.

3. Did Judge Whelan err as a matter of law in denying Appellants due process of law by omitting ruling or opinion on the multiple requests for relief in the Plaintiffs’ Sur-Reply, which requested adjudication and hearing (oral arguments) regarding Delaware County District Attorney Stollsteimer’s false public statements that he had conducted, and “closed” an investigation examining the 104-page complaint and 98 Exhibits documenting the evidence of violations,

fraud, and spoliation as “fiction,” before Judge Whelan issued his final order? Appellants’ answer: yes.

4. Did Judge Whelan err as a matter of law in his classification of Appellants Stenstrom and Hoopes as (merely) “voters” versus “certified poll watchers” (with standing) in his order and opinion? Appellants’ answer: yes.

STATEMENT OF THE CASE

1. On July 8th, 2022, the Delaware County Court of Common Pleas (Judge Whelan) dismissed CV-2022-000032 as “moot.”

2. Judge Whelan incorrectly framed Appellants Hoopes and Stenstrom as merely (voters), versus certified poll watchers with standing (as ruled on in Commonwealth Court of Pennsylvania appeal by same Appellants of *Delaware County Common Pleas case CV-2022-007532*), and that the sole relief sought was the overturn of the November 2020 election, which was NOT the relief, or even controversy, brought forward by Appellants.

3. The Appellants had filed the subject 104-page CIVIL complaint with 98 exhibits on January 1st, 2022, with testimony, documents, video, and audio evidence of thousands of grievous election law violations, criminal acts, massive election fraud, spoliation of election materials required to be maintained by both State and Federal statutes, fraudulent certification of the vote in Delaware County, and overall callous disregard by defendants for rule of law.

4. A summary of relief sought by Appellants (then Plaintiffs) actually requested was:

“Plaintiffs seek mandamus relief to the extent that there is a want of any other adequate, appropriate and specific remedy available; there is a clear legal right to which they are entitled; and there exists a corresponding duty on the part of the Defendants.

Nunc pro tunc relief is also appropriate where a breakdown in the administrative operations of the *Election Board occurs. Appeal of Orsatti*, 143 Pa. Commw. 12, 598 A.2d 1341, *appeal denied*, 529 Pa. 637, 600 A.2d 956 (1991).”

5. The post summary specific relief enumerated by Appellants was:

- A. Plaintiffs request the Court to issue a protective order to enjoin Defendants, and anyone acting on their behalf, from destroying, secreting, or otherwise altering any and all voting machines, servers, computers, computer codes, hard drives, software, and programs. internet records, mobile phone records, ballot images, photocopies, or scanned images of ballots, return tapes, and/or tally sheets, paper ballots, return tapes, and/or tally sheets used in and/or related to the November 3, 2020, election;
- B. Order Defendants to produce any and all voting machines, servers, computers, computer codes, hard drives, software, and programs. internet records, mobile phone records, ballot images, photocopies, or scanned images of ballots, return tapes, and/or tally sheets,

paper ballots, return tapes, all election data and materials, and/or tally sheets used in and/or related to the November 3, 2020, election;

- C. Allow Plaintiffs access to any and all voting machines, servers, computers, computer codes, hard drives, software, and programs. internet records, mobile phone records, ballot images, photocopies, or scanned images of ballots, return tapes, and/or tally sheets, paper ballots, return tapes, and/or tally sheets used in and/or related to the November 3, 2020, election;
- D. Allow Plaintiffs to conduct an independent forensic examination of any and all voting machines, servers, computers, computer codes, hard drives, software, and programs. internet records, mobile phone records, ballot images, photocopies, or scanned images of ballots, return tapes, and/or tally sheets, paper ballots, return tapes, and/or tally sheets used in and/or related to the November 3, 2020, election;

Plaintiffs also request the Court to:

Determine that Plaintiff's constitutional rights were violated consistent with the allegations in this Complaint.

Determine that, by their conduct as alleged herein, Defendants violated the Pennsylvania Right to Know Law (RTKL), in that they did destroy, secrete, alter, or otherwise adulterate information, documents, and materials

responsive to Plaintiffs' requests for information, consistent with the allegations in this Complaint.

Determine that, by their conduct as alleged herein, Defendants committed fraud, consistent with allegations in the Complaint.

Determine that, by their conduct as alleged herein, Defendants committed intentional and negligent misrepresentation, consistent with the allegations in the First Amended Complaint.

Determine that, by their conduct as alleged herein, Defendants engaged in a conspiracy to violate the law and commit fraud consistent with allegations in this Complaint.

Grant such other and further relief as is equitable and just and grant him costs, expenses and attorney fees incurred in having to bring this action and damages Plaintiffs are entitled to pursuant to law.

6. Nowhere in the entire complaint / petition did the Appellants (then Plaintiffs) request that the November 2020 election be overturned, or even decertified, or present any controversy that could be considered "moot."

7. Having initially filed timely Notice of Appeal, Pro Se, from the first July 8th "Final Order" of the Delaware County Common Pleas Court, Petitioners Gregory Stenstrom and Leah Hoopes, elicited a (second) "(One) Final Order" from the Court of Common Pleas, ordered September 14th, 2022, and entered September 16th, 2022, specifically stating that all matters of

controversy before that Court had been adjudicated, including Defendants demand for sanctions, which were denied.

8. Those orders were made without ruling on all relief requested in the Sur-Reply (Exhibit 2) requesting that the Court address false public statements made by Delaware County District Attorney Stollsteimer, specifically that the 98 Exhibits of evidence included in petitioner's complaint, were a "fiction."

(See Exhibit 3-<https://www.delcotimes.com/2022/06/02/district-attorney-closes-case-on-election-fraud-claims/>)

9. Petitioners determined via Right To Know requests that District Attorney Stollsteimer publicly lied about conducting an "investigation," and specifically made false statements that the video and audio exhibits had been forensically examined.

10. This lie by the top elected law enforcement official in Delaware County significantly poisoned and presumably impacted the Common Pleas Court order to dismiss, which was made shortly after Stollsteimer's false public statements.

11. The Court responded with a two-page response with a single citation, that essentially stated the election was over in November of 2020, is in the past, and it's pointless to remedy any of the violations, fraud and crimes related.

12. The opinion and order dismissed all allegations (with prejudice) and provided no other surface area for appeal, or mention of any matter at all in the plaintiff's petition.

13. The Court did, however, leave a vector for punitive sanctions (without prejudice) against the Appellants, and plaintiff's attorneys, which one of the defendants, Delaware County Solicitor William Martin, zealously and publicly proclaimed he would pursue, once the case was "thrown out," which he presciently predicted after gleefully reading District Attorney Stollsteimer's false report of "investigation" at a public County Council meeting prior to Judge Whelan's order.

14. The Court did not address a single allegation brought against the 48 defendants. And leaves the defendants (all government officials) capable of continuing to evade review, and permits their grievous and in criminal behavior to be repeated for every election since the November 2020 general election, without accountability, repercussions or remedy by the citizenry.

15. The Common Pleas Court abrogated its role as the arbiter for remedying a continuing controversy and has seemingly left it to spiritual beings to sort things out. But, as one of the founders of our nation, James Madison stated with regard to litigative checks and balances regarding government officials and the rights of the citizenry to seek redress in the Courts:

"For if angels were to govern men, neither external nor internal controls on government would be necessary."

16. A specific concern of the Petitioners motion is that the Court's ruling could be construed as "strategic mooted to avoid unfavorable precedent." As stated with citations in the 2019 Yale Law Journal "The Point Isn't Moot: How Lower Courts Have

Blessed Government Abuse of the Voluntary-Cessation Doctrine

“All agree that under ordinary Article III mootness principles, a private defendant’s “voluntary cessation” of challenged conduct does not render a case moot unless the defendant shows it is “absolutely clear” that the conduct will not resume.

This is a stringent standard designed to ensure that the defendant cannot “engage in unlawful conduct, stop when sued to have the case declared moot, then pick up where he left off, repeating this cycle until he achieves all his unlawful ends.”

Article III, Section 2, Clause 1:

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction; to Controversies to which the United States shall be a Party;—to Controversies between two or more States; between a State and Citizens of another State, between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

First, the Supreme Court has held that a party’s voluntary cessation of an unlawful

practice will usually not moot its opponent's challenge to that practice. Thus, "a defendant cannot automatically moot a case by simply ending its unlawful conduct once sued." This exception to the mootness doctrine exists because if a litigant could defeat a lawsuit simply by temporarily ceasing its unlawful activities, there would be nothing to stop that litigant from engaging in that unlawful behavior again after the court dismissed the case—the litigant would effectively "be free to return to [its] old ways."

Joseph C. Davis & Nicholas R. Reaves

26Nov2019 Yale Law Review

Additional citations and case law included at: <https://www.yalelawjournal.org/forum/the-point-isnt-moot>

17. The Court's avoidance of review of allegations, and avoidance of evidentiary hearing and discovery, would clearly enable the unrepentant defendants to continue with their unlawful conduct, without Civil remedy by the citizenry, candidates, and intervenors (certified poll watchers), either before an election (for not being "ripe"), or after an election (for being moot), with no remaining litigative vector for remedy under Pennsylvania Civil Law that governs conduct of election officials that stands apart from the standing and laches requirements of "election law," leaving a Constitutional "no man's land" in which public corruption may thrive.

18. The Court's ruling also enables government officials to silence and violate constitutional and civil rights by sanctioning Appellants and seeking

disbarment of their attorneys – as they have done in previous related election violation and fraud cases.

19.The actions of the defendants in requesting sanctions – and the Court’s permissive allowance (without prejudice ruling), was used as a chilling effect on Appellants to discourage their continued efforts to press for appeal, which is a violation of their constitutional and civil rights.

20.The defendants have clearly established a standard for repeat behavior in filing for sanctions against Appellants with public threats by multiple public officials to “PUNISH” any citizen that dares question their corrupt practices and authority, as they did in case Delaware County Republican Executive Committee v Board of Elections (CV-2020-007523) that was similarly dismissed without hearing, evidentiary hearing, or argument, before the same lower Court.

21.Which brings the issue that the defendants and their lawyers are not antipathetic to the vindication of constitutional rights. Congress enacted the statute under which most claims against government defendants arise, 42 U.S.C. § 1983, precisely because it “realized that state officers might, in fact, be antipathetic to the vindication of [constitutional] rights.”

22.This Court did not award sanctions to defendants, but instead created a revolving door for sanctions, by denying sanctions without prejudice, and enabling repeated behavior in the appeal process for sanctions to be filed by recalcitrant government officials and defendants or any other related litigative or Right to Know action, thus further increasing the cost of litigation and barrier to engage litigative relief by any

citizens with the temerity to challenge fraudulent election practices, and a guarantee of punishment to candidates, certified poll watchers, and the citizenry that might choose to exercise their Constitutional right to petition our Government.

23. Government defendants frequently seek to worm their way out of bad precedent by strategically mooting cases that they fear they are likely to lose, for which petitioners provide exceptions to the mootness doctrine for the Court's (re)consideration):

- a. Perhaps the most notable exception applies when the case involves circumstances that exist only for a short, fixed time period and that may be over by the time the litigation reaches the Supreme Court – like elections. The Supreme Court has carved out an exception for cases that are “capable of repetition, yet evading review.” In other words, if the issues may arise again and will often or always face timing challenges, the federal courts should not dismiss such cases for mootness and may continue to hear the litigation.
- b. Another exception to mootness occurs when the defendant in the case voluntarily decides to halt the contested practice that is the basis of the lawsuit. Because the defendant's cessation of activity is voluntary, the theory goes, the defendant could also decide to resume the contested activity after the case is dismissed as moot. Therefore, courts should be cautious in dismissing for mootness in such circumstances.

See: (<https://www.scotusblog.com/2019/08/scotus-for-law-students-battling-over-mootness/>)

24. Exhibit 4 from the subject complaint (CV-2022-000032) is a copy of the November 2020 General Election “Return Board Report” which shows that 220 precincts of 428 could not be reconciled. The Return Board, whose duties and responsibilities are enumerated in “Pennsylvania Statutes Title 25 P.S. Elections & Electoral Districts § 3154. Computation of returns by county board; certification; issuance of certificates of election” no less than 26 times, which said Return Board is required by law to complete and sign said report – did NOT sign the official report.

25. Exhibit 5 is a copy of the May 2022 Primary Election “Return Board Report” from Motion for Reconsideration of the subject complaint, which shows that 105 precincts of 428 could not be reconciled, and that the Return Board, again did NOT sign the report.

26. The very same Board of Elections, Bureau of Elections, actors, and Defendants named in this case repeated almost exactly the same violations and wanton fraudulent certification in the May 2022 Primary Election, as the subject November 2020 General Election of the subject case.

27. These two reports, required by Pennsylvania Election Law Statutes specified herein, clearly show REPETITIVE evidence of gross election violations, and clearly demonstrate that the Defendants and government entities, of which the Court of Common Pleas itself does not stand apart from, as the elected Judges emanate from the very same seemingly elective

processes, have not ceased their illicit violations of election law, if not corrupt practices.

28. The Court's continued refusal to permit evidentiary hearing, discovery, or any debate beyond summary dismissal for trivial technicalities within a context of the most important Constitutional right that the citizenry has (voting) is especially perplexing, because it appears that the Court itself, and the government defendants who are also its peers and coincident political allies, fears any scrutiny or public overwatch in a Courtroom before a jury, and in the public eye, where the standards for perjury, and accountability for false acts, statements, and corruption – have teeth.

29. The Court, and the public officials it has permitted to run amok with corruption, and viciously attack the citizen Appellants, will not silence the petitioners. The Appellants have little choice but to keep coming back, with every election, with the same documented criminal acts, by the same actors, until we are heard.

30. As further proof of intent to strategically “moot” and avoid any litigative remedies to election fraud, the legislative response by the very same elected government officials we are challenging has been to create a new Pennsylvania Senate Bill 552 in the current State Legislature Session to punish citizens who are deemed to be “vexatious requesters” that might be willing to continue to assert their Constitutional rights.

31. Therefore, Petitioners pray for relief and granting of their appeal to remand the complaint and subject lawsuit to be properly adjudicated by

appropriate Court before a full jury, in full view of the public.

SUMMARY OF ARGUMENT

A. The Complaint was not “moot”

Judge Whelan framed his ruling on the unsubstantiated and false basis that Appellants complaint and sole demand was overturn of the November 2020 election, and it was within this separate and erroneous construct that he declared the complaint to be “moot,” reasoning that the election was over, that the prevailing candidates had been inaugurated, and that the case must be dismissed.

Nowhere in the entire complaint / petition did the Appellants (then Plaintiffs) request that the November 2020 election be overturned, or even decertified, or present any controversy that could be considered “moot.”

Judge Whelan erred as a matter of law in determining that Appellants challenge of multiple grievous election violations, wanton spoliation of election materials required to be retained by State and Federal law, allegations of fraud by election officials, and multiple administrative requests for relief constitute a sole demand to “overturn” the November 2020 election

B. Exception to “Mootness Doctrine” Does Apply

Government defendants frequently seek to worm their way out of bad precedent by strategically mooting cases that they fear they are likely to lose, for which

petitioners provide exceptions to the mootness doctrine for the Court's (re)consideration):

- a. The Supreme Court has carved out an exception for cases that are "capable of repetition, yet evading review." In other words, if the issues may arise again and will often or always face timing challenges, the federal courts should not dismiss such cases for mootness and may continue to hear the litigation.
- b. Another exception to mootness occurs when the defendant in the case voluntarily decides to halt the contested practice that is the basis of the lawsuit. Because the defendant's cessation of activity is voluntary, the theory goes, the defendant could also decide to resume the contested activity after the case is dismissed as moot. Therefore, courts should be cautious in dismissing for mootness in such circumstances.

C. Judge Erred Omitting Full Adjudication and Relief of Sur-Reply

Appellants (the Plaintiffs) sought mandamus relief to the extent that there was a want of any other adequate, appropriate and specific remedy available; there was a clear legal right to which they were entitled; and there existed a corresponding duty on the part of the Defendants to properly and lawfully administer a fair and true election.

The Appellants specifically requested no less than ten (10) rulings and remedies to the election law violations, spoliation, and blatant fraud – none of

which included overturning the November 2020 election – as well as any “such other and further relief as is equitable and just and to grant them costs, expenses and attorney fees incurred in having to bring this action and damages Plaintiffs are entitled to pursuant to law.

Had Judge Whelan permitted the evidentiary hearing and oral arguments requested, at a minimum it would have refuted the false statements and lies of Delaware County District Attorney Stollsteimer in his characterization of the allegations and evidence as “fiction.”

D. Appellants Were Certified Poll Watchers

While the matter of standing was not a stated matter of controversy, the government election boards, election bureaus, and Courts throughout Pennsylvania and the United States have made repeated false characterizations that Plaintiffs in lawsuits with mountains of evidence of massive election fraud are (merely) “citizens,” or “voters,” or “observers,” as if they are not the Constitutional sovereign creators and authority from which the government and Courts derive their bureaucratic and administrative powers.

More than sixty-five (65) election related cases have been dismissed by Courts without permitting a single evidentiary hearing in the crucible of a court room before a jury.

The fact that Appellants were “certified poll watchers” with standing, and have continuously fulfilled their sworn duty where all other elements of government, law enforcement and the Courts have abrogated theirs, is matter of significant weight.

As certified poll watchers and honest, common citizens, the characterization by Judge Whelan of Appellants as “voters” was incomplete, and if not intentionally denigrative, nevertheless must be clarified for the record as both a matter of law, and standing.

Lastly, in this regard, and most importantly, the Appellants actions and complaint were derived from their duty to ensure that the subject election materials were preserved to protect their lawsuit Delaware County Republican Executive Committee v. Board of Elections (CV-2020-007523) lawsuit that was in the appellate trajectory, for which they are certified poll watchers.

ARGUMENT

A. The Order that Complaint Is Dismissed as “Moot” must be Reversed

Judge Whelan erred as a matter of law by wrongly concluding the complaint was “moot” and the Commonwealth Court must reverse him.

1. There is an actual case for which controversy remains.

The Appellants complaint in whole, and their Sur-Reply in part, remain in controversy and unruled upon.

Judge Whelan’s framework and basis for dismissal of the case as “moot” exists only in this order, and nowhere else.

2. Mootness exception does apply.

Given the repetitive nature of the Defendant’s actions, as evidenced within the filings of the Court

docket of similar election violations, fraud, and spoliation in both the November 2020 general election, and the May 2022 primary election, there is no reasonable expectation that such illegitimate actions will be remedied without adjudication of the subject complaint.

CONCLUSION

For the foregoing reasons, Appellants respectfully request the following relief:

1. That the Order of Judge Whelan, essentially dismissing Appellants case, with prejudice, BE REVERSED and BE REMANDED for evidentiary hearings, discovery, oral arguments, and trial before jury as requested;

2. Such other relief as the Commonwealth Court deems just and proper.

Respectfully submitted:

/s/ Leah Hoopes

241 Sulky Way

Chadds Ford, PA 19317

leahfreedelcopa@protonmail.com

/s/ Gregory Stenstrom

1541 Farmers Lane

Glen Mills, PA 19342

gstenstrom@xmail.net

Date: 13OCT2022

VERIFICATION

We, Leah Hoopes and Gregory Stenstrom, hereby verify the statements made in the foregoing pleadings are true correct to the best of our knowledge, information, and belief. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa. C.S. section 4904 relating to unsworn falsification to authorities.

/s/ Leah Hoopes

Date: 13OCT2022

241 Sulky Way
Chadds Ford, PA 19317
leahfreedelcopa@protonmail.com

/s/ Gregory Stenstrom

Date: 13OCT2022

1541 Farmers Lane
Glen Mills, PA 19342
gstenstrom@xmail.net

**EXHIBIT 1:
ORDER OF THE COURT OF COMMON
PLEAS OF DELAWARE COUNTY
(FILED JULY 15, 2022)**

IN THE COURT OF COMMON PLEAS OF
DELAWARE COUNTY,
PENNSYLVANIA CIVIL DIVISION

RUTH MOTON, ET AL.

v.

KATHY BOOCKVAR, ET AL.

No: 2022-000032

Before: John J. WHELAN, Judge.

ORDER

AND NOW, this 8th day of July, 2022, upon consideration of the preliminary objections of all Defendants¹ to Plaintiffs Complaint and Plaintiffs' response(s) thereto, this finds as follows:

¹ Defendant Kathy Boockvar filed preliminary objections to Plaintiffs Complaint on February 7, 2022. Defendants Delaware County; Delaware County Board of Elections; Delaware County Bureau of Election, and the following employees or officeholders of the County: James Byrne; Gerald Lawrence; Ashley Lunkenheimer; Lauren Hagan; James P. Allen; Maryanne Jackson; James Savage; Thomas Gallagher; James A. Ziegelhoffer; Crystal Winterbottom, Chevon Flores; Jean Fleschute; Stacy Heisey-Terrell; Christina Iacono; Christina Perrone; Karen

1. On November 24, 2020 Secretary of State Kathy Boockvar certified the results of the November 3, 2020 election in Pennsylvania for the president and vice president of the United States.
2. Thereafter Governor Tom Wolf signed the Certificate of Ascertainment for the slate of electors for Joseph R. Biden as president and Kamala D. Harris as vice president of the United States.
3. Joseph Biden and Kamala Harris were inaugurated as President and Vice President of the United States on January 20, 2021.
4. On January 1, 2022 Plaintiffs Ruth Moton, Leah Hoopes and Gregory Stenstrom filed a 104-page Complaint seeking mandamus and injunctive relief related to the November 3, 2020 election. Specifically, Plaintiffs raise a claim of common law fraud, fraudulent misrepresentation, negligent misrepresentation, common law quo warranto, and mandamus and equitable relief.
5. Plaintiffs Leah Hoopes and Gregory Stenstrom aver they were voters in the 2020 election and Plaintiff Ruth Moton aver she

Reeves; Donna Rode; No1ma Locke; Jean Davidson; S.J. Dennis; Marilyn Heider; Louis Govinden; Doug Degenhardt; Mary Jo Headley; Jennifer Booker; Kenneth Haughton; Regina Scheerer; Cathy Craddock; Maureen T. Moore; Pasquale Cippolloni; Gretchen Bell; Anne Coogan; Howard Lazarus; Christine Reuther; William Martin; and James Manly Parks also filed preliminary objections to Plaintiffs Complaint on February 7, 2022.

was both a voter and a candidate in the 2020 election

6. Plaintiff Moton lost her election in 2020 and the victors were inaugurated and sworn-into office prior to the filing of the instant Complaint on January 1, 2022.
7. On February 7, 2022 Defendants Delaware County, *et al.* filed preliminary objections to Plaintiffs Complaint.
8. On February 7, 2022 Defendant Kathy Boockvar also filed preliminary objections to Plaintiffs Complaint.
9. Plaintiffs filed a reply to both sets of Defendants' preliminary objections on February 28, 2022.
10. This case was thereafter assigned to the undersigned in June of 2022.
11. In Pennsylvania, it is well established that an actual case or controversy must exist at all stages of the judicial process, or the matter will be dismissed as moot. *Strax v. Com., Dep't of Transp., Bureau of Driver Licensing*, 138 Pa.Cmwlth. 368, 371, 588 A.2d 87, 88 (1991), *affd*, 530 Pa. 203, 607 A.2d 1075 (1992).
12. As the instant Complaint challenges the administration of an election that occurred in 2020, and the prevailing candidates in that election have been inaugurated, the claims set forth in the Complaint are moot and must be dismissed.

13. This court further finds that the exceptions to the mootness doctrine to not apply.

WHEREFORE, this court hereby enters the following:

AND NOW, this 8th day of July, 2022, upon consideration of the preliminary objections of all Defendants, and Plaintiffs' response(s) thereto, it is hereby ORDERED and DECREED that said preliminary objections are SUSTAINED in their entirety. Accordingly, Plaintiffs' Complaint is hereby DISMISSED WITH PREJUDICE.

BY THE COURT:

/s/ John J. Whelan

Judge

Filed 07-15-2022 04:11 PM

**EXHIBIT 2:
PLAINTIFFS' SUR-REPLY TO DELAWARE
COUNTY DEFENDANTS' REPLY IN
FURTHER SUPPORT OF THEIR
MOTION FOR SANCTIONS
(JUNE 8, 2022)**

IN THE COURT OF COMMON PLEAS OF
DELAWARE COUNTY, PENNSYLVANIA
CIVIL ACTION-LAW

RUTH MOTON,
2550 BLUEBALL AVE, UPPER CHICHESTER, PA 19061,

LEAH HOOPES,
241 SULKY WAY, CHADDS FORD, PA 19317

GREGORY STENSTROM,
1541 FARMERS LANE, GLEN MILLS, PA 19342

Plaintiffs,

v.

FORMER SECRETARY OF THE
COMMONWEALTH, KATHY BOOCKVAR, 34
JERICO RUN, WASHINGTON CROSSING, PA 18977 IN
HER OFFICIAL AND INDIVIDUAL CAPACITY,

and,

DELAWARE COUNTY,

and,

DELAWARE COUNTY BOARD OF ELECTIONS,

Reh.App.33a

and,

DELAWARE COUNTY BUREAU OF ELECTIONS,

and,

JAMES BYRNE,
606 E. BALTIMORE PIKE, MEDIA, PA 19063 IN HIS
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

GERALD LAWRENCE,
407 SAINT DAVID'S ROAD, WAYNE, PA 19087 IN HIS
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

ASHLEY LUNKENHEIMER,
1960 DOG KENNEL ROAD, MEDIA, PA 19063 IN HER
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

LAUREEN HAGAN,
4106 ROSEMONT AVENUE, DREXEL HILL, PA 19026 IN
HER OFFICIAL AND INDIVIDUAL CAPACITY,

and,

JAMES P. ALLEN,
30 E JEFFERSON STREET A302, MEDIA, PA 19063 IN
HIS OFFICIAL AND INDIVIDUAL CAPACITY,

and,

MARYANNE JACKSON,
1666 E WALNUT LANE, PHILADELPHIA, PA 19138 IN
HER OFFICIAL AND INDIVIDUAL CAPACITY,

Reh.App.34a

and,

JAMES SAVAGE,
1644 CHERRY STREET, UPPER CHICHESTER, PA 19061
IN HIS OFFICIAL AND INDIVIDUAL CAPACITY,

and,

THOMAS GALLAGER,
107 MULBERRY LANE, MEDIA, PA 19063 IN HIS
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

JAMES A. ZIEGELHOFFER,
402 W THIRD STREET, MEDIA, PA 19063 IN HIS
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

CRYSTAL WINTERBOTTOM,
344 POWELL ROAD, SPRINGFIELD, PA 19064 IN HER
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

CHEVON FLORES,
6 OAKLEY ROAD, UPPER DARBY, PA 19082 IN HER
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

JEAN FLESchUTE,
19 DARTMOUTH CIRCLE,, SWARTHMORE, PA 19801 IN
HER OFFICIAL AND INDIVIDUAL CAPACITY,

and,

STACY HEISEY-TERRELL,
373 SAYBROOK LANE, WALLINGFORD, PA 19086 IN HER
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

CHRISTINA IACONO,
31 OAKLAND ROAD, WEST CHESTER, PA 19382 IN HER
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

CHRISTINA PERRONE,
234 WALNUT AVENUE, WAYNE, PA 19087 IN HER
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

KAREN REEVES,
36 FOREST ROAD, SPRINGFIELD, PA 19064 IN HER
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

DONNA RODE,
32 E. SPRINGFIELD ROAD, APT 2, SPRINGFIELD, PA
19064 IN HER OFFICIAL AND INDIVIDUAL CAPACITY,

and,

NORMA LOCKE,
46 HEARTHSIDE ROAD, ASTON, PA 19014 IN HER
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

JEAN DAVIDSON,
37 ASTON CT, ASTON, PA 19014 IN HER OFFICIAL AND
INDIVIDUAL CAPACITY,

Reh.App.36a

and,

S. J. DENNIS,
218 ARBOR CIRCLE, CHESTER, PA 19013 IN HER
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

MARILYN HEIDER,
200 E. THOMSON AVENUE, SPRINGFIELD, PA 19604 IN
HER OFFICIAL AND INDIVIDUAL CAPACITY,

and,

LOUIS GOVINDEN,
318 BARKER AVENUE, LANSDOWNE, PA 19050 IN HIS
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

DOUG DEGENHARDT,
237 MARPLE ROAD, HAVERFORD, PA 19041 IN HIS
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

MARY JO HEADLEY,
4023 E. CHESTER DRIVE, ASTON, PA 19014 IN HER
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

JENNIFER BOOKER,
6607 CHURCH LANE, UPPER DARBY, PA 19082 IN HER
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

KENNETH HAUGHTON,
221 HICKORY LANE, NEWTOWN SQUARE, PA 19073 IN
HIS OFFICIAL AND INDIVIDUAL CAPACITY,

and,

REGINA SCHEERER,
34 OLD STATE ROAD, SPRINGFIELD, PA 19064 IN HER
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

CATHY CRADDOCK,
1032 BRYAN STREET, DREXEL HILL, PA 19026 IN HER
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

MAUREEN T. MOORE,
23 W. RIDLEY AVENUE, RIDLEY PARK, PA 19708 IN HER
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

PASQUALE CIPOLLONI
269 HEMLOCK LANE, SPRINGFIELD, PA 19064 IN HIS
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

GRETCHEN BELL,
310 MEADOWGLEN LANE, MEDIA, PA 19063 IN HER
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

ANNE COOGAN,
133 HUNT CLUB LANE, NEWTOWN SQUARE, PA 19073
IN HER OFFICIAL AND INDIVIDUAL CAPACITY,

and,

HOWARD LAZARUS,
641 WEST END WALK, MEDIA, PA 19063 IN HIS
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

CHRISTINE REUTHER,
16 E POSSUM HOLLOW ROAD #R, WALLINGFORD PA
19086 IN HER OFFICIAL AND INDIVIDUAL CAPACITY,

and,

WILLIAM MARTIN,
5925 GREENE STREET, APT 15, PHILADELPHIA, PA
19144 IN HIS OFFICIAL AND INDIVIDUAL CAPACITY,

and,

JAMES MANLY PARKS,
5925 GREENE STREET, APT 15, PHILADELPHIA, PA IN
HIS OFFICIAL AND INDIVIDUAL CAPACITY, ET AL.,

Defendants.

Case No. CV-2022-000032

NOW COMES Plaintiffs, RUTH MOTON, LEAH
HOOPES, AND GREGORY STENSTROM, for their
Sur-Reply to the Delaware County Defendants' Reply
in Further Support of their Motion for Sanctions, state
as follows:

INTRODUCTION

Of all the law firms in the State of Pennsylvania and in the country that could represent the Delaware County Defendants, the same firm, Ballard Spahr, served as local counsel to the Biden Campaign in Pennsylvania during the 2020 election cycle litigation, also represented Joe Biden's campaign in the state of Arizona during the 2020 election cycle litigation, and is also representing the Arizona Sun, the latter of which has sued Doug Logan and his company CyberNinjas seeking sanctions related to his work conducting an election audit in Arizona.

Now Defendants, through counsel, Ballard Spahr, seek to utilize a sham "investigation" by District Attorney Jack Stollsteimer as support in furtherance of their baseless Motion for Sanctions. Yet, despite the District Attorney's biased findings, Plaintiffs presented overwhelming video and documentary evidence demonstrating that there are factual questions to resolve concerning Plaintiffs' legal claims and Plaintiffs evidence directly supports their legal claims. Moreover, Plaintiffs dispute numerous false statements including but not limited to characterizing Plaintiffs as "serial Plaintiffs" and that their filings are "devoid of substance."

In reference to the specific paragraphs in Defendants' Motion, Plaintiffs state as follows:

1. Defendants Reply in Further Support of their Motion for Sanctions has attached Defendants' EXHIBIT A, which is a May 4, 2022, letter to Defendant Gerald Lawrence signed by District Attorney Jack Stollsteimer. Defendants rely upon the contents of Jack Stollsteimer's letter in support of their Motion

for Sanctions. Defendants admit that the District Attorney closed his “investigation” and failed to bring charges related to what Plaintiffs have shown to this Court to be genuine factual allegations supported by evidence. However, the District Attorney’s investigation is not relevant to this civil suit.

2. Defendants’ Exhibit A contains countless false statements from District Attorney Jack Stollsteimer that are misleading and designed to deceive this Honorable Court. Additionally, District Attorney Jack Stollsteimer failed to make essential disclosures in his May 4, 2022 letter that bear upon an evaluation of the totality of his statements in the May 4, 2022 letter, but especially the false statements.

- a. District Attorney Jack Stollsteimer states in his May 4, 2022, letter that he conducted an investigation following a November 2021 Newsmax story as it relates to the 2020 General Election. This is false. Undersigned counsel, as well as counsel for the whistleblower, Regina Miller, spoke with Detective Lythgoe on April 21, 2022 and were informed by Detective Lythgoe that District Attorney Jack Stollsteimer was investigating events related to fulfilling a 2021 Right to Know Request. It was specifically stated by Detective Lythgoe, a detective with District Attorney Jack Stollsteimer’s office, that the District Attorney was NOT conducting an investigation related to the November 3, 2020, election. This was further memorialized in an email. [Attached hereto as Plaintiffs’ Exhibit A].
- b. District Attorney Jack Stollsteimer goes on to state in his May 4, 2022 letter that the

“Special Investigation Unit” of his office conducted a criminal investigation as it relates to the Newsmax story, yet failed to disclose that Demar Moon is employed by the District Attorney Jack Stollsteimer and assigned to the Special Investigation Unit. District Attorney Jack Stollsteimer further failed to disclose that Demar Moon was hired at the District Attorney’s Office as a favor to Defendant James Savage. District Attorney Jack Stollsteimer further failed to disclose that Demar Moon was employed at the Voting Machine Warehouse under the supervision of James Savage for the November 3, 2020, election. Defendant James Savage (Voting Machine Warehouse Supervisor) specifically stated “I was Jack’s (Stollsteimer’s) progressive shield” and Savage admits to acting as his “buffer.” [Attached hereto as Plaintiffs’ Exhibit B1, and Exhibit B2]. Undersigned counsel is sure that the Court would evaluate the District Attorney’s “investigation” with scrutiny and skepticism when presented with the fact that a person who worked at the Voting Machine Warehouse under the supervisor, Defendant James Savage, was hired and placed with the District Attorney Office following the November 3, 2020 election.

- c. District Attorney Jack Stollsteimer failed to disclose in his May 4, 2022, letter that he has a conflict of interest and should have recused himself as it relates to any investigations pertaining to Defendant James Savage.

Defendant James Savage was the Delaware County Voting Machine Warehouse Supervisor for the November 3, 2020, election, and brags about working as District Attorney Jack Stollsteimer's "political buffer" and that District Attorney Jack Stollsteimer "owed him (Defendant James Savage) favors." [Attached hereto as Plaintiffs Exhibit B1 and Exhibit B2].

- d. District Attorney Jack Stollsteimer failed to disclose in his May 4, 2022 letter that he allowed James Savage to plant one of his own subordinates directly in Jack Stollsteimer's Office after the November 3, 2020 election which would allow James Savage to have access to information at the District Attorney's Office. District Attorney Jack Stollsteimer hired Demar Moon as a favor to Defendant James Savage. Additionally, he failed to disclose that Demar Moon now working at the District Attorney's Office previously worked for James Savage at the Voting Machine Warehouse. Demar Moon maintained a close relationship with Defendant James Savage after moving to the District Attorneys Office following the November 3, 2020 election. Demar Moon specifically stated after his move that "Jim Savage missed me, and pretty much threatened me to come back (to the VMW) Jim Savage threatened me and Jim Savage said I don't give a fuck who you work for (DA Jack Stollsteimer) you are coming back here." [Attached hereto as Plaintiffs' Exhibit C1 and Exhibit C2].

- e. District Attorney Jack Stollsteimer's May 4, 2022, letter failed to disclose that Tanner Rouse is the First Deputy District Attorney working under District Attorney Jack Stollsteimer. Tanner Rouse was the lead of the Election Investigation Task Force for the November 3, 2020, election and was assigned to this task force in October 2020. This task force collaborated and worked with Delaware County Executive Director Howard Lazarus, a named Defendant in the instant lawsuit. Again, undersigned counsel is sure that the Court would evaluate the District Attorney's "investigation" with scrutiny and skepticism when presented with the fact that a person who holds the position as the Delaware County Executive Director collaborated and worked with the District Attorneys First Deputy prior to the November 3, 2020 election, during the November 3, 2020 election, and after the November 3, 2020 election. [Attached hereto as Plaintiffs' Exhibit D]. Moreover, Plaintiffs have introduced evidence in their Complaint regarding suspicious statements made by Defendant Howard Lazarus following the November 3, 2020, election and an IT hack that occurred during the reconciliation of the November 3, 2020 election and Defendant Lazarus how one person responsible for downloading the election results in Delaware County. [Attached hereto as Plaintiffs' Exhibit E].
- f. District Attorney Jack Stollsteimer's May 4, 2022, letter is addressed to Defendant

Gerald Lawrence. District Attorney Stollsteimer failed to disclose in his letter that Defendant Gerald Lawrence donated \$2,500.00 to District Attorney Stollsteimer on October 26, 2019. District Attorney Jack Stollsteimer further failed to disclose that Defendant Gerald Lawrence donated \$25,000 to Josh Shapiro, Attorney General, on December 30, 2021. Attorney General Shapiro is currently representing co-defendant, former Secretary of State, Kathy Boockvar. [Attached hereto as Plaintiffs' Exhibit F].

- g. District Attorney Jack Stollsteimer failed to disclose that he was asked in writing by undersigned counsel how he intended to address his conflicts of interest, and that he refused to answer the question regarding his conflicts. To date, District Attorney Jack Stollsteimer has failed to recuse himself as it relates to investigations involving named Defendants in the instant lawsuit. [Attached hereto as Plaintiffs' Exhibit G].
- h. District Attorney Jack Stollsteimer states in his May 4, 2022, letter that the whistleblower was "uncooperative and unwilling to meet with detectives" from Stollsteimer's office. This is an egregious false statement that District Attorney Jack Stollsteimer makes in his letter and it repeated verbally to the people of Delaware County at County Council meetings. Counsel for whistleblower Regina Miller took the standard steps when contacting the District Attorney's Office on

behalf of Regina Miller in order to appropriately advise her. Undersigned counsel requested to know the scope of the investigation, who was the target of the investigation, and since Ms. Miller has done absolutely nothing wrong-asked whether the district attorney give her a standard immunity agreement to reassure her that her meeting with his office would not ultimately be something used against her. District Attorney Jack Stollsteimer, by and through his subordinates and detectives, identified the scope of investigation limiting it to the year of 2021 (contrary to the May 4, 2022, letter) yet refused to identify who were the targets of the investigation, nor would they offer a standard immunity agreement to Regina Miller. This correspondence between District Attorney Jack Stollsteimer's Office and Ms. Miller's counsel made it clear from the start that it was Jack Stollsteimer's intent to conduct a sham "investigation" with no regard for an eyewitness who documented massive election fraud and election manipulation in Delaware County during the November 2020 election. [Attached hereto as Plaintiffs' Exhibit H].

- i. District Attorney Jack Stollsteimer falsely states in his May 4, 2022, letter that the videos (without specifying exactly which videos) have been taken out of context or have been altered. Neither of Stollsteimer's statements are true. Plaintiffs intend to introduce their evidence at trial before this

Honorable County. Plaintiffs also intend to introduce an expert witness that will testify that he has evaluated the videos, that the videos have not been altered, and the statements in the videos are properly stated and pled by Plaintiffs.

- j. Moreover, District Attorney Jack Stollsteimer announced that there will be no criminal charges as it relates to unspecified evidence that he reviewed relating to James Savage and James Allen and Stollsteimer announced in the May 4, 2022, letter that the “investigation” is now closed. A Right to Know Request was then submitted to the District Attorney’s Office to obtain a copy of the Stollsteimer’s “investigations” and the Right to Know Requests was denied by the District Attorney to avoid transparency as it relates to his “investigation.” The denial of the Right to Know Request prevents Plaintiffs from evaluating the “investigation” conducted by Stollsteimer and prevents Plaintiffs from obtaining evidence as it relates to the Defendants interviewed in this lawsuit. Defendants want to use the District Attorneys letter regarding the sham “investigation” yet fail to provide the substantive evidence for Plaintiffs and this Honorable Court to review. [Attached hereto as Plaintiffs’ Exhibit I].
- k. Plaintiffs’ Complaint contains factual allegations and evidence supporting those allegations that District Attorney Stollsteimer’s “investigation” failed to address in

light of the claims in Plaintiffs' Complaint, and which allegations are broader and cover evidence of major fraud in the conducting of the November 2020 election, and beyond. District Attorney Stollsteimer's "investigation" does not even purport to address the allegations in Plaintiffs' lawsuit.

1. District Attorney Stollsteimer commends James Savage in his May 4, 2022 letter referring this his "investigation. This is shocking given the overwhelming evidence involving James Savage who was planted as the Voting Machine Warehouse Supervisor for the November 3, 2020 election. Defendant Savage previously worked for the United Steelworkers Union, and has since returned to the United Steelworker Union in Washington D.C. to work on legislation. Defendant Savage was witnessed changing election results, altering and manipulating election data, and conspiring how to coverup his illegal acts. Moreover, Defendant Savage (consistent was the "Big Lie" narrative) filed a defamation lawsuit against Plaintiff Leah Hoopes and Plaintiff Gregory Stenstrom in Philadelphia, case no. 211002495. Defendant Savage orchestrates elaborate lies in his defamation lawsuit against Hoopes and Stenstrom and states that he had heart attacks as a result of their witness statements describing his role in the November 3, 2020 election. Plaintiffs have evidence that Defendant Savages claims are false. Specifically Savage states that he had heart attacks as a result

of major blockage in his arteries-not as a result of Plaintiff Hoopes and Stenstrom's evidence against him describing his election law violations and fraud. [Attached hereto as Plaintiffs' Exhibit J].

- m. District Attorney Stollsteimer failed to mention in his May 4, 2022, letter that numerous Defendants, including but not limited to James Zigglehoffer and Thomas Gallagher, listed in this instant lawsuit believe that charges should have been brought by Stollsteimer as it relates to the November 3, 2020, election. [Attached hereto as Plaintiffs' Exhibit K].
- n. District Attorney Stollsteimer failed to mention in his May 4, 2022, letter that election law violations required referral by the Return Board to the District Attorney's Office following the November 3, 2020, election and that he failed to prosecute despite having a "task force" set up to do so. [Attached hereto as Plaintiffs' Exhibit L]. Plaintiffs' review of the election data revealed that over 30 precincts were missing Return Sheets and/or election machine tapes. It appears that District Attorney Stollsteimer is now motivated to coverup his lack of investigation and prosecution that was requested of his office in November of 2020.
- o. Despite the false statements from District Attorney Jack Stollsteimer there is an abundance of evidence as it relates to Defendant Thomas Gallagher. Thomas Gallagher is an attorney and is caught on

video destroying, and admitting to destroying election data that is required to be preserved for 22 months pursuant to USC § 20701 and USC § 20702.

- p. Despite the false statements from District Attorney Jack Stollsteimer, there is an abundance of evidence as it relates to all 40 defendants and even several named Defendants agree certain defendants should have been prosecuted which is well articulated in Plaintiffs' Complaint and Exhibits filed in the instant matter.

3. Additionally, Defendants fail to address that even if District Attorney Jack Stollsteimer did a thorough and legitimate investigation, which he did not, that his burden of proof is beyond a reasonable doubt which is much higher than what Plaintiffs are required to prove to meet their burden before this Honorable Court in a civil lawsuit.

4. Plaintiffs deny that sanctions are appropriate and leave Defendants to their proofs. Stating further, Plaintiffs deny that their lawsuit is frivolous. Delaware County was the last County certified in the 2020 election. As demonstrated in the Complaint and the Exhibits attached thereto, Plaintiffs have provided a sampling of the evidence showing that the Delaware County Defendants participated in a conspiracy related to the November 3, 2020 election, and continued that conspiracy which was revealed by information responsive to the May 21, 2021, Right to Know request, showing that Defendants knowingly and fraudulently altered, destroyed, concealed and/or manipulated election machines, data, equipment, and election results. Defendants fraudulently manipulated

the election and fraudulently manipulated the response to the Right to Know request in an effort to conceal and hide the fraud that occurred during the November 3, 2020 election.

5. Plaintiff Ruth Moton has not filed any lawsuit against these Defendants prior to the instant one. Plaintiffs admit only that the two lawsuits referred to in this paragraph were docketed.

6. Plaintiffs admit only that they filed a pro se Complaint on November 19, 2021, and had significant difficulty uploading exhibits. Subsequent to that filing, undersigned counsel filed an appearance, withdrew that Complaint, and subsequently refiled a complaint on December 27, 2021.

7. Plaintiff again deny that their lawsuit is moot. Where the basis for dismissal is mootness, such a decision has no bearing on the merits of future litigation, and in fact, the Supreme Court consistently admonishes lower courts that judgments that are unreviewable due to mootness are vacated and have no legal consequences, *i.e.*, precedential effect upon future litigation, and therefore, the Court has explicitly reminded lower courts that such orders clear the path for possible future litigation of legal issues between the parties. *See, e.g., United States v Munsingwear, Inc.*, 340 U.S. 36, 39-40 (1950). As demonstrated in the Complaint and the Exhibits attached thereto, Plaintiffs have provided a sampling of the evidence showing that the Delaware County Defendants participated in a conspiracy related to the November 3, 2020 election, and continued that conspiracy which was revealed by information responsive to the May 21, 2021, Right to Know request, showing that Defendants knowingly and fraudulently altered, destroyed,

concealed and/or manipulated election machines, data, equipment, and election results. Defendants fraudulently manipulated the election and fraudulently manipulated the response to the Right to Know request in an effort to conceal and hide the fraud that occurred during the November 3, 2020 election. In other words, while the factual allegations in Plaintiffs' Complaint supported by documents and evidence arise from the conducting and operation of the 2020 election, the claims and causes of action pleaded therein (the legal issues) are in no way foreclosed by an order that has no precedential or binding effect upon future litigation of legal issues by and between these parties.

8. Plaintiffs deny that they have filed an improper pleading and/or that it is part of a pattern of similar conduct. As demonstrated in the Complaint and the Exhibits attached thereto, Plaintiffs have provided a sampling of the evidence showing that the Delaware County Defendants participated in a conspiracy related to the November 3, 2020 election, and continued that conspiracy which was revealed by information responsive to the May 21, 2021, Right to Know request, showing that Defendants knowingly and fraudulently altered, destroyed, concealed and/or manipulated election machines, data, equipment, and election results. Defendants fraudulently manipulated the election and fraudulently manipulated the response to the Right to Know request in an effort to conceal and hide the fraud that occurred during the November 3, 2020 election. Plaintiffs have stated a claim for relief based upon the violations of law alleged in their Complaint and supported by the evidence attached thereto, and such relief includes, but is not limited to holding Defendants accountable as civil servants for

their past and current actions and ensuring that future conduct of this nature does not recur. Defendants ignore the fact that substantial evidence of corruption, fraud and conspiracy to commit fraud has been shown, and they have the audacity to assert that the Court has no power to remedy it.

RELIEF REQUESTED

WHEREFORE, in accordance with the aforementioned paragraphs in response to Defendants' Motion for Sanctions, Plaintiffs respectfully request that this Honorable Court deny Defendant's motion and all relief sought therein;

Alternatively, and/or in addition, Plaintiffs respectfully request that the Court hold a hearing and allow oral argument on Defendant's Motion;

Alternatively, and/or in addition, Plaintiffs respectfully request that if the Court concludes that Plaintiffs' Complaint is lacking in some respects, that Plaintiffs be granted leave to amend their complaint.

Plaintiffs deserve to have their case heard by a trier of fact for many reasons including but not limited to transparency, and accountability which will discourage those with significant roles in elections to follow the law resulting in accurate elections that reflect the will of the people.

Reh.App.53a

Respectfully submitted,

/s/ Thomas J Carroll

Attorney ID: 53296

Attorney for Plaintiffs

LAW OFFICE OF

THOMAS J CARROLL

224 King Street

Pottstown, PA, 19464

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tom@thomasjcarrolllaw.com

Date: June 8, 2022

**EXHIBIT 3:
DELCO TIMES ARTICLE:
“DELAWARE COUNTY DISTRICT ATTORNEY
JACK STOLLSTEIMER CLOSES ON
ELECTION FRAUD CLAIMS”
(JUNE 2, 2022)**



From left: Upper Providence Police Chief David Montella, DA Jack Stollsteimer, Detective Sgt. George Moore

By Kathleen E. Carey | kcarey@delcotimes.com |

Delcotimes.com

Published: June 2, 2022 at 3:24 a.m. | Updated: June 2, 2022 at 4:46 a.m.

MEDIA - After conducting a special criminal investigation, Delaware County District Attorney Jack Stollsteimer has closed the case on allegations surrounding 2020 election fraud after determining the claims made were “complete fiction.”

At the May 18 Delaware County Council meeting, county Solicitor William F. Martin read a May 4 letter from Stollsteimer into the record.

“I write to inform you and the Board of Elections that the investigation is now closed and no criminal charges will be filed in this matter: the Stollsteimer letter read. “In short, the claim that there is a video depicting Delaware County election officials who ‘appear to be throwing return ballots into a trash can in anticipation of the election data audit’ is a complete fiction.

“Unfortunately,” it also concluded, “the results of this investigation offer clear examples of the ways that social media can be used to manipulate and distort reality.”

In November 2021, an alleged whistleblower made claims regarding fraud in the county’s administration of the 2020 election. That claim was transferred to the county Board of Elections Chair Gerald Lawrence, who as required by law, reported this to Stollsteimer.

The Delaware County District Attorney’s Special Investigation Unit then conducted an investigation into the matter.

This alleged whistle blower complaint was part of a 92-page lawsuit filed in November 2021 by attorney Thomas J. Carroll on behalf of Republicans Ruth Moton, Gregory Stenstrom and Leah Hoopes claiming

common law fraud, and negligent and fraudulent misrepresentation related to the 2020 general election.

The complaint relies on what it called evidence, in particular three videos posted to Twitter and in an Nov. 17, 2021, story by conservative website Newsmax.

Stollsteimer said there was no merit found to the claims, videos or suggestions of election wrongdoing.

“Investigations with investigators with over 75 years of law enforcement experience here in Delaware County conducted interviews with individuals with actual knowledge of the events depicted in the videos,” his letter wrote. “They have concluded that there is no evidence to substantiate those claims.”

The investigation found that the videos did not depict vote tabulation for the 2020 general election but rather election personnel processing a response to a Right-to-Know request for election-related materials long after the 2020 general election and vote tabulation.

“The investigation determined that during the processing of the Right-to-Know response, several copies of identical documents were printed,” Stollsteimer wrote in the letter. “Where election personnel identified documents as duplicates of documents already prepared for a response (in production to the Right to Know request), such duplicates were discarded. No records of the 2020 general election were destroyed, erased or withheld from the Right-to-Know request for the public generally.”

In addition, Stollsteimer wrote in the letter written to Martin and Lawrence that the videos were altered.

“The videos that formed the basis for the Newsmax story had been materially edited,” the district attorney

wrote his investigation found. “Versions of the subject videos, themselves clips of larger conversations taken out of context, have circulated the internet, with mis-characterized captions, superimposed on them.”

He gave one instance in which a caption was added to a video that states the individual says, “It’s a felony,” when in fact, the man was saying, “I’m telling you.”

Also, Stollsteimer said the whistle blower would not cooperate with investigators.

“It is important to highlight that while all county election personnel were responsive and forthcoming to detectives conducting this investigation, the same could not be said of the individual who surreptitiously recorded the videos,” his letter wrote. “Despite numerous attempts to interview her, she was uncooperative and unwilling to meet with detectives attempting to interview her regarding these events.”

The district attorney offered his conclusion.

“The complete absence of a factual basis for any of the claims made in the Newsmax story has led my office to conclude that the claims were never legitimate allegations about the conduct of election officials in Delaware County, rather they were an extension of the disinformation campaign that has been waged on the local, state and national level in the aftermath of the 2020 general election,” Stollsteimer wrote.

To county election officials, he also had words.

“I commend James Allen, James Savage and all county election personnel for their perseverance and dedication in the face of the relentless criticism they’ve endured since the 2020 election,” Stollsteimer wrote.

In his remarks, Martin said the preparation of the lawsuit was “utterly lacking in basic diligence,” noting that it listed that he and Board of Elections Solicitor J. Manty Parks as living in a Germantown apartment, where neither of them had ever lived.

“The only way to stop these groundless lawsuits filled with half-truths and lies is to assess sanctions against the attorneys and the plaintiffs who press them,” Martin said. “Let them bear the cost of this garbage and not the county taxpayers.”

Kathleen E. Carey
Reporter

Kathleen E. Carey has been a reporter for the Delaware County Daily Times since 1998

EXHIBIT 4:
DELAWARE COUNTY BOARD OF ELECTIONS
LETTER REGARDING NOVEMBER 2020
ELECTION (NOVEMBER 18, 2020)

November 18, 2020

Delaware County Board of Election
201 West Front Street
Media PA, 19063

**Re: Report of the Delaware County Return
Board for the General Election, November 2020**

Dear Members of the Delaware County Board of
Elections:

Pursuant to the Post-Election General Recon-
ciliation Project dated November 2016 from the Com-
monwealth of Pennsylvania, the undersigned Delaware
County Return Board met from Friday, November 6
through Monday, November 16, 2020, from 8:30 AM
to 3:00 PM every day.

The Return Board consisted of 18 Tabulators,
including 9 Democrats and 9 Republicans. The below
report is a summary of our findings and recommend-
ations. Also attached is a spreadsheet that elaborates
on the specific tasks undertaken pursuant to 25 P.S.
§ 3154(b)(c)(d); 25 P.S. § 3031.17 and paragraph 10 of
the Directive Concerning the Use, Implementation
and Operation of the Electronic Voting Systems by
County Board of Elections, Election Code, 25 P.S.
§ 3031.17 et al., dated 6/09/2011.

All work was performed in teams of two (one
Republican and one Democrat) and all individual
work was signed off by team members that performed

the task(s). These documents have been organized for storage at the Voting Machine Warehouse for the statutorily required timeframe, except for the voted ballots used in the hand recount. These ballots were sealed in ballot bags and returned to Media by a member of Delaware County Sheriff's Department.

We met with the representatives of 202 Delaware County Precinct Election Boards to comply with the Election Code, from Friday November 13 through Monday November 16, 2020. The individual precinct representatives were most helpful in assisting in our efforts. It should be noted that a majority of the precinct Election Board members remarked that the training materials were often lacking in clear instruction as to the opening and closing of the polls and the preparation of the Return Sheets. The Return Board is available to discuss specific areas of concerns and will await the Board of Elections directions to assist the County in preparing appropriate training materials for the Election Board members going forward.

The Return Board wishes to acknowledge the guidance and help of the Voting Machine Warehouse Supervisor, Jim Savage, and his staff during the Return Board's daily work.

Initially, as part of our duties, we reviewed the list of voters (Yellow Book) and compared same to the County Public Count, Return Sheets, and noted the differentials. We determined that most inconsistencies in the Yellow Book numbers were human error, except for a small number of precincts and those precincts were referred to the Delaware County District Attorney.

As part of our interviews with the 202 precinct Election Board representatives, we discussed the unused

paper ballots, a majority of which, were available for our review. We noted on their Return Sheets any extra ballots that the precinct received during the day from the Bureau of Elections as well as those produced by the precinct Touch Writers. As part of the process, we analyzed ballots issued, the number of spoiled ballots, and the number of ballots cast. Finally, we insured that provisional ballots were not included in the scanner tallies or the Yellow Books.

We were able to reconcile the above numbers in a majority of the precincts that sent representatives to help assist the Return Board in its audits. It was determined that out of a total of 428 Delaware County precincts, we needed to meet with 220 individual precincts, the remainder of which were able to be reconciled with the provided/returned documentation. Of the 220 precincts, 94 precincts were Reconciled; 29 precincts had minor Discrepancies with Explanations and 79 precincts could not be Reconciled. Additionally, 18 precincts did not respond to the County's multiple emails and phone calls, requesting their cooperation during the four days that we designated as interview dates (November 13, 14, 15, and 16).

It is important to note that there was no indication of fraud in the data or during the interviews throughout our assignment. We point out that each and every Unreconciled or Discrepancies with Explanation Return Sheets were the result of training issues. The election workers were consistent in wanting "to do it right", but did not know how. It is assumed that these training issues have been noted and will be corrected going forward.

Next, as part of our duties, we reviewed the Return Sheets from the 220 precincts identified as needing

additional information and noted the missing scanner tapes. In those precincts where the tapes were missing, it can be explained by lack of training, lack of properly attaching them to the Return Sheets, human error, or a lack of Return Sheets in the precinct Election Officers' "White Box."

The Return Board recommends that the County eliminate the combination of scanners that permitted voters to submit marked ballots into any scanner at voting locations where there were two or more precincts. The precinct Election Boards did not know how to correctly co-mingle the final scanner print outs from multiple precincts, hence the inability to reconcile unused ballots or had no information in the Audit section on the Return Sheets. Attempts were undertaken to help the precinct Election Boards, during the interviews, to calculate the final scanner numbers for the Return Sheets and we were successful in a majority of the questioned precincts. The scanner printout numbers were compared to the removable storage media used by the County to count votes cast at each precinct and were found to be Reconciled.

Finally, the Return Board undertook a statistical hand recount of ballots from a number of randomly selected precincts that totaled over 2,300 ballots cast. This count was done by hand and compared to the electronic tabulation numbers generated by the County V-drives from the scanners. The hand count tabulation was consistent with the votes reported from the machines by the County.

The Return Board would like to thank the County Board of Elections for the trust that you have given us to perform this important Post-Election General Reconciliation Audit. We stand ready to assist you

again in Spring 2021 Primary and if any of our analysis or recommendation needs further explanation, please contact us if necessary.

Conclusion/ Recommendations

1. The Election Day Guide, the. Alphabetized envelopes and the Return Sheets must be redone with the assistance of experienced Judges of Elections (JOE).

2. Training for opening, closing and preparing Return Sheets.

3. Eliminate co-mingling of scanners in locations with multiple precincts.

4. Better efforts made to ensure JOE's can contact the Bureau of Elections during the day. JOE's had multiple questions that could have been solved but were unable to contact anyone.

5. Completely revise the Poll Workers' Election Day Guide.

6. Revise Return Sheets at the bottom - "Audit" - need to include:

A. Extra ballots printed on Touch Writers.

B. Extra ballots received on election day from the Bureau of Elections.

7. Better explanation of the purpose of the "List of Voters" and the need for accuracy. Errors were noted throughout, as well as cross-outs and voters signing the book versus poll worker (the Clerk).

8. Return sheets need to be distributed in the "White Box."

9. The White Boxes must be left in-tack for Return Board review when questions arise.

10. Unused ballots must be returned in the box that they were delivered in and placed in the sealed cages delivered to the Voting Machine Warehouse.

11. Precinct Election Boards must count unused ballots after the polls close, not back the numbers in by subtracting the voted and spoiled ballots from the total received.

12. Precinct Election Boards complained that precinct property owners/supervisors would not open the buildings/polling locations to poll workers until 6 AM. It takes over 1 hour and 15 minutes to set up one precinct and some Judges had 2 precincts.

13. Need a short and specific checklist for the closing of polls from 8 PM to dropping materials off at the County Government locations.

14. The Security Seals that are required to be installed after polls are closed, need specific instructions as to their placement.

15. Specific Provisional Ballot video training would help.

16. The online training quiz needs to explain why the answer by the poll worker was determined to be incorrect. "What is the right answer/proper procedure?"

17. The precinct Election Boards have requested hands-on training on how to produce required reports from scanners and Touch Writers.

18. The human errors can be greatly eliminated by additional training and revising the Return Sheets /Alphabetical envelopes and the Election Day Guide.

Return Board Members

_____ Karen Reeves
_____ Donna Rode
_____ Norma Locke
_____ Jennifer Booker
_____ Jean Davidson
_____ S. J. Dennis
_____ Marilyn Heider
_____ Tom Gallagher
_____ Louis Govinden
_____ Doug Degenhardt
_____ Mary Jo Headley
_____ Jennifer Booker
_____ Kenneth Haughton
_____ James A. Ziegelhoffer
_____ Regina Scheerer
_____ Cathy Craddock
_____ Maureen T. Moore
_____ Pasquale Cipolloni
_____ Gretchen Bell

Reviewed in person or via e-mail by each Return Board Member. Permission was granted to add their initials as approval of the content, in lieu of in-person signing.

**EXHIBIT 5:
RETURN BOARD OF THE DELAWARE
COUNTY BOARD OF ELECTIONS
LETTER REGARDING REPORT ON
MAY 17, 2022 PRIMARY ELECTION
(JUNE 6, 2022)**

Return Board
Delaware County Board of Elections
201 West Front St.
Media, PA 19063

Dear Members or the Delaware County Board of Elections:

**Re: Report of the Delaware County Return Board
for the Primary Election May 17, 2022**

Pursuant to the Post-Election General Reconciliation Project dated November 2016 from the Commonwealth of Pennsylvania. the entire undersigned Delaware County Return Board met Friday, May 20, 2022 through Tuesday, May 31, 2022 from 8:00 AM to 3:30 PM to complete the required audit. Additionally, the Democrat and Republican Review Board Supervisors met Thursday, June 2, 2022 to review and finalize the required audit.

The Return Board consisted of 18 tabulators including 9 Democrats and 9 Republicans. The below report is a summary of our findings and recommendations. There also is a spreadsheet that elaborates on the specific tasks undertaken pursuant to 25 P.S. s. 3154 (b)(c)(d): 25 P.S. s 3031.17 and paragraph 10 of the Directive Concerning the Use, implementation and Operation of the Electronic Voting Systems by County

Board of Elections. Election Code. 25 P.S. s 3031/17 et al, dated 6/09/2011.

All work was performed in teams of two, one Republican and one Democrat, and all individual work was signed off by the team members that performed the task(s). These documents have been organized for storage at the Voting Machine Warehouse for the statutorily required time frame, except for the voted ballots used in the hand recounts. The actual voted ballots were sealed in ballot bags and returned to the Bureau of Elections Office at the Wharf in the City of Chester by a member of the Bureau of Elections.

The Return Board wishes to acknowledge the guidance and help of the Voting Machine Warehouse Custodian, Jackie Dunn and her staff.

Initially, as part of our duties we reviewed the Total Numbered List of Voters form and compared this list to the Machine Tapes received from each Precinct in the materials returned on Election night. There were:

- 18 Precincts that did not include the Total Numbered List of Voters form (or left it entirely blank)
- 25 Precincts that did not include the Machine Tapes
- 18 Precincts that did not include the Return Sheet

As part of the review process, we analyzed the total ballots received in the cage, the number Touch Writer ballots generated and any additional ballots received from the County. From these totals we subtracted the total unused ballots and the total

spoiled ballots. For the precincts with the proper documentation this tally was correct. Finally, we ensured that the Provisional White Numbered List of Voters, was not included the tallying total votes cast.

Previously, the County developed a new Provisional Numbered List of Voters form. Further training needs to be given to Poll Workers as to how this is to be returned on Election night. Provisional ballots are not part of the review of the Return Board.

Because some Judge of Election(s)/Election Board Member(s) made little or no attempt to record the number of ballots received, we needed to open the return boxes and hand count the returned ballots. Again, we suggest further training for the Poll Workers on how to properly fill out the Return Sheet. It still needs to be emphasized the importance of properly filling out the Return Sheet on Election Night. Even if a Precinct has the Total Ballots Received in Cage pre-printed on the Return Sheet, the Judge of Election(s)/Election Board Member(s) should still count the ballots to ensure the ballot count is accurate.

Of the 428 precincts, 323 were reconciled (with little or no discrepancies). Additionally, 105 precincts were irreconcilable of which, 18 were missing the Total Numbered List of Voters form, 25 were missing the Machine Tapes, and 18 were missing the Return Sheet. The category and category count were:

Reconciled: 201 Precincts, or 46.96%

Reconciled, Minor Discrepancy (Any difference which is 2 or less): 122, or 28.50%

Not Reconciled, Major Discrepancy (Any difference which is 3 or more): 38, or 8.88%

Unreconcilable: 67, or 15.65%

The Return Board's hope is that the Bureau of Elections can determine if the problem Precincts (ones with missing and/or inaccurate information), had any Precinct Election Board Members attend the Training Sessions, or take the Poll Workers Test. Attending Training is necessary so these problem Precincts do not continue to make these same mistakes in future elections.

Finally, the Return Board undertook the required Commonwealth 2% statistical hand recount of ballots from 11 randomly selected Precincts, that totaled 2,463 votes (2% of the total votes cast at polling places during the 2022 Primary Election).

This Count was done by hand; however, it was not compared to the electronic tabulation numbers generated by the County V-drives from the scanners because the Return Board was never provided a list of the electronic tabulation numbers generated by the County V-drives from the scanners for Tabulation.

The Return Board would like to thank the County Board of Elections for the trust given us to perform this audit. We stand ready to assist you again in November 2022.

Return Board Recommendations

1. Provide additional training for poll opening, poll closing and preparing the Return Sheet. Hopefully, there can be additional hands on training which will cover the Machine Tapes that are required to be printed at the opening and closing of the polls.

2. Revise and minimize the Poll Workers' Election Day Guide.

3. Provide additional training and explanation of the Return Sheet Paper Ballot Audit for all Poll Workers. The Return Board cannot complete its required functions when the Poll Workers leave these numbers blank or incorrectly complete the Return Sheet

4. The Judge of Election (JOE) counting all delivered ballots from the County prior to poll opening to ensure the ballot amount received matches the ballot amount delivered. All unused ballots must be counted at the end of the night, recorded on Return Sheet, returned in the box that they were delivered in, and then placed in the sealed cages to be delivered to the Voting Machine Warehouse.

5. Although the Return Board did not count Provisional Ballots, we observed that there is still a need for specific Provisional Ballot training, and the proper procedures of voting. processing and returning a Provisional Ballot. As per the instructions in the Election Day Guide, importance must be stressed upon the Judge of Election(s)/Election Board Member(s) of placing all used and unused Provisional Ballot material in the proper envelope and then in the Blue Poll Bag for proper return to the Bureau of the Elections.

6. The online training quiz needs to explain why the answer by the poll worker was determined to be incorrect, "What is the right answer/proper procedure?" This was a recommendation last election and has not been implemented. How does a poll worker know how to clear up his/her "wrong answer" if they are never

told what is the correct answer or way to handle the hypothetical question?

7. Training for Poll Workers to instruct each voter that the Candidates' box on the ballot must be properly filled in. In the Election Day Guide, an example is shown on how to mark a ballot. Printed material showing these instructions should be provided for each privacy ballot station for voter reference on Election Day.

8. Train and instruct the Judge of Election(s) /Election Board Member(s) to keep the cover sheet attached to the Total Numbered List of Voters form for Precinct identification. Often, the cover sheet gets detached from the Total Numbered List of Voters form and the Precinct identification becomes difficult for Tabulation. If the Bureau of Elections would provide a pre-printed Precinct sticker for the Total Number of Voters form, that also may be a possible alternate solution.

9. We suggest more emphasis be placed on the Poll Workers' training to train the voter in filling out the box properly.

Return Review Board Members

Jennifer Booker

Meg Conboy

Jean Davidson

Susan J. Dennis

Hunter Hammock

Maureen T. Moore

Mary Mullen

Robert Stump

James A. Ziegelhoffer

Cathy Craddock
Douglas W. Degenhardt
Walter E. Fredericksen
Mary Jo Headley
Marilyn Heider
Maryanne Mann
Karen Reeves
Donna K. Rode
Regina Schoerer

Reviewed in person or via e-mail by each Return
Board Member. In lieu of in-person signing, approval
or content via e-mail was accepted

**PLAINTIFFS' SUR-REPLY IN SUPPORT OF
MOTION FOR SANCTIONS FILED IN THE
DELAWARE COUNTY COURT,
PENNSYLVANIA
(UNADJUDICATED BY COURT)
(JUNE 8, 2022)**

IN THE COURT OF COMMON PLEAS OF
DELAWARE COUNTY, PENNSYLVANIA
CIVIL ACTION-LAW

RUTH MOTON,
2550 BLUEBALL AVE, UPPER CHICHESTER, PA 19061,

LEAH HOOPES,
241 SULKY WAY, CHADDS FORD, PA 19317

GREGORY STENSTROM,
1541 FARMERS LANE, GLEN MILLS, PA 19342

Plaintiffs,

v.

FORMER SECRETARY OF THE
COMMONWEALTH, KATHY BOOCKVAR, 34
JERICO RUN, WASHINGTON CROSSING, PA 18977 IN
HER OFFICIAL AND INDIVIDUAL CAPACITY,

and,

DELAWARE COUNTY,

and,

DELAWARE COUNTY BOARD OF ELECTIONS,

and,

DELAWARE COUNTY BUREAU OF ELECTIONS,

and,

JAMES BYRNE,
606 E. BALTIMORE PIKE, MEDIA, PA 19063 IN HIS
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

GERALD LAWRENCE,
407 SAINT DAVID'S ROAD, WAYNE, PA 19087 IN HIS
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

ASHLEY LUNKENHEIMER,
1960 DOG KENNEL ROAD, MEDIA, PA 19063 IN HER
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

LAUREEN HAGAN,
4106 ROSEMONT AVENUE, DREXEL HILL, PA 19026 IN
HER OFFICIAL AND INDIVIDUAL CAPACITY,

and,

JAMES P. ALLEN,
30 E JEFFERSON STREET A302, MEDIA, PA 19063 IN
HIS OFFICIAL AND INDIVIDUAL CAPACITY,

and,

MARYANNE JACKSON,
1666 E WALNUT LANE, PHILADELPHIA, PA 19138 IN
HER OFFICIAL AND INDIVIDUAL CAPACITY,

Reh.App.75a

and,

JAMES SAVAGE,
1644 CHERRY STREET, UPPER CHICHESTER, PA 19061
IN HIS OFFICIAL AND INDIVIDUAL CAPACITY,

and,

THOMAS GALLAGER,
107 MULBERRY LANE, MEDIA, PA 19063 IN HIS
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

JAMES A. ZIEGELHOFFER,
402 W THIRD STREET, MEDIA, PA 19063 IN HIS
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

CRYSTAL WINTERBOTTOM,
344 POWELL ROAD, SPRINGFIELD, PA 19064 IN HER
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

CHEVON FLORES,
6 OAKLEY ROAD, UPPER DARBY, PA 19082 IN HER
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

JEAN FLESchUTE,
19 DARTMOUTH CIRCLE,, SWARTHMORE, PA 19801 IN
HER OFFICIAL AND INDIVIDUAL CAPACITY,

and,

STACY HEISEY-TERRELL,
373 SAYBROOK LANE, WALLINGFORD, PA 19086 IN HER
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

CHRISTINA IACONO,
31 OAKLAND ROAD, WEST CHESTER, PA 19382 IN HER
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

CHRISTINA PERRONE,
234 WALNUT AVENUE, WAYNE, PA 19087 IN HER
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

KAREN REEVES,
36 FOREST ROAD, SPRINGFIELD, PA 19064 IN HER
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

DONNA RODE,
32 E. SPRINGFIELD ROAD, APT 2, SPRINGFIELD, PA
19064 IN HER OFFICIAL AND INDIVIDUAL CAPACITY,

and,

NORMA LOCKE,
46 HEARTHSIDE ROAD, ASTON, PA 19014 IN HER
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

JEAN DAVIDSON,
37 ASTON CT, ASTON, PA 19014 IN HER OFFICIAL AND
INDIVIDUAL CAPACITY,

Reh.App.77a

and,

S. J. DENNIS,
218 ARBOR CIRCLE, CHESTER, PA 19013 IN HER
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

MARILYN HEIDER,
200 E. THOMSON AVENUE, SPRINGFIELD, PA 19604 IN
HER OFFICIAL AND INDIVIDUAL CAPACITY,

and,

LOUIS GOVINDEN,
318 BARKER AVENUE, LANSDOWNE, PA 19050 IN HIS
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

DOUG DEGENHARDT,
237 MARPLE ROAD, HAVERFORD, PA 19041 IN HIS
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

MARY JO HEADLEY,
4023 E. CHESTER DRIVE, ASTON, PA 19014 IN HER
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

JENNIFER BOOKER,
6607 CHURCH LANE, UPPER DARBY, PA 19082 IN HER
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

KENNETH HAUGHTON,
221 HICKORY LANE, NEWTOWN SQUARE, PA 19073 IN
HIS OFFICIAL AND INDIVIDUAL CAPACITY,

and,

REGINA SCHEERER,
34 OLD STATE ROAD, SPRINGFIELD, PA 19064 IN HER
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

CATHY CRADDOCK,
1032 BRYAN STREET, DREXEL HILL, PA 19026 IN HER
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

MAUREEN T. MOORE,
23 W. RIDLEY AVENUE, RIDLEY PARK, PA 19708 IN HER
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

PASQUALE CIPOLLONI
269 HEMLOCK LANE, SPRINGFIELD, PA 19064 IN HIS
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

GRETCHEN BELL,
310 MEADOWGLEN LANE, MEDIA, PA 19063 IN HER
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

ANNE COOGAN,
133 HUNT CLUB LANE, NEWTOWN SQUARE, PA 19073
IN HER OFFICIAL AND INDIVIDUAL CAPACITY,

and,

HOWARD LAZARUS,
641 WEST END WALK, MEDIA, PA 19063 IN HIS
OFFICIAL AND INDIVIDUAL CAPACITY,

and,

CHRISTINE REUTHER,
16 E POSSUM HOLLOW ROAD #R, WALLINGFORD PA
19086 IN HER OFFICIAL AND INDIVIDUAL CAPACITY,

and,

WILLIAM MARTIN,
5925 GREENE STREET, APT 15, PHILADELPHIA, PA
19144 IN HIS OFFICIAL AND INDIVIDUAL CAPACITY,

and,

JAMES MANLY PARKS,
5925 GREENE STREET, APT 15, PHILADELPHIA, PA IN
HIS OFFICIAL AND INDIVIDUAL CAPACITY, ET AL.,

Defendants.

Case No. CV-2022-000032

**PLAINTIFFS' SUR-REPLY TO
DELAWARE COUNTY DEFENDANTS' REPLY
IN FURTHER SUPPORT OF
THEIR MOTION FOR SANCTIONS**

NOW COMES Plaintiffs, RUTH MOTON, LEAH
HOOPES, AND GREGORY STENSTROM, for their
Sur-Reply to the Delaware County Defendants' Reply

in Further Support of their Motion for Sanctions, state as follows:

INTRODUCTION

Of all the law firms in the State of Pennsylvania and in the country that could represent the Delaware County Defendants, the same firm, Ballard Spahr, served as local counsel to the Biden Campaign in Pennsylvania during the 2020 election cycle litigation, also represented Joe Biden's campaign in the state of Arizona during the 2020 election cycle litigation, and is also representing the Arizona Sun, the latter of which has sued Doug Logan and his company Cyber-Ninjas seeking sanctions related to his work conducting an election audit in Arizona.

Now Defendants, through counsel, Ballard Spahr, seek to utilize a sham "investigation" by District Attorney Jack Stollsteimer as support in furtherance of their baseless Motion for Sanctions. Yet, despite the District Attorney's biased findings, Plaintiffs presented overwhelming video and documentary evidence demonstrating that there are factual questions to resolve concerning Plaintiffs' legal claims and Plaintiffs evidence directly supports their legal claims. Moreover, Plaintiffs dispute numerous false statements including but not limited to characterizing Plaintiffs as "serial Plaintiffs" and that their filings are "devoid of substance."

In reference to the specific paragraphs in Defendants' Motion, Plaintiffs state as follows:

1. Defendants Reply in Further Support of their Motion for Sanctions has attached Defendants' EXHIBIT A, which is a May 4, 2022, letter to

Defendant Gerald Lawrence signed by District Attorney Jack Stollsteimer. Defendants rely upon the contents of Jack Stollsteimer's letter in support of their Motion for Sanctions. Defendants admit that the District Attorney closed his "investigation" and failed to bring charges related to what Plaintiffs have shown to this Court to be genuine factual allegations supported by evidence. However, the District Attorney's investigation is not relevant to this civil suit.

2. Defendants' Exhibit A contains countless false statements from District Attorney Jack Stollsteimer that are misleading and designed to deceive this Honorable Court. Additionally, District Attorney Jack Stollsteimer failed to make essential disclosures in his May 4, 2022 letter that bear upon an evaluation of the totality of his statements in the May 4, 2022 letter, but especially the false statements.

- a. District Attorney Jack Stollsteimer states in his May 4, 2022, letter that he conducted an investigation following a November 2021 Newsmax story as it relates to the 2020 General Election. This is false. Undersigned counsel, as well as counsel for the whistleblower, Regina Miller, spoke with Detective Lythgoe on April 21, 2022 and were informed by Detective Lythgoe that District Attorney Jack Stollsteimer was investigating events related to fulfilling a 2021 Right to Know Request. It was specifically stated by Detective Lythgoe, a detective with District Attorney Jack Stollsteimer's office, that the District Attorney was NOT conducting an investigation related to the November 3, 2020, election. This was further memorialized

in an email. [Attached hereto as Plaintiffs' Exhibit A].

- b. District Attorney Jack Stollsteimer goes on to state in his May 4, 2022 letter that the "Special Investigation Unit" of his office conducted a criminal investigation as it relates to the Newsmax story, yet failed to disclose that Demar Moon is employed by the District Attorney Jack Stollsteimer and assigned to the Special Investigation Unit. District Attorney Jack Stollsteimer further failed to disclose that Demar Moon was hired at the District Attorney's Office as a favor to Defendant James Savage. District Attorney Jack Stollsteimer further failed to disclose that Demar Moon was employed at the Voting Machine Warehouse under the supervision of James Savage for the November 3, 2020, election. Defendant James Savage (Voting Machine Warehouse Supervisor) specifically stated "I was Jack's (Stollsteimer's) progressive shield" and Savage admits to acting as his "buffer." [Attached hereto as Plaintiffs' Exhibit B1, and Exhibit B2]. Under-signed counsel is sure that the Court would evaluate the District Attorney's "investigation" with scrutiny and skepticism when presented with the fact that a person who worked at the Voting Machine Warehouse under the supervisor, Defendant James Savage, was hired and placed with the District Attorney Office following the November 3, 2020 election.

- c. District Attorney Jack Stollsteimer failed to disclose in his May 4, 2022, letter that he has a conflict of interest and should have recused himself as it relates to any investigations pertaining to Defendant James Savage. Defendant James Savage was the Delaware County Voting Machine Warehouse Supervisor for the November 3, 2020, election, and brags about working as District Attorney Jack Stollsteimer's "political buffer" and that District Attorney Jack Stollsteimer "owed him (Defendant James Savage) favors." [Attached hereto as Plaintiffs Exhibit B1 and Exhibit B2].
- d. District Attorney Jack Stollsteimer failed to disclose in his May 4, 2022 letter that he allowed James Savage to plant one of his own subordinates directly in Jack Stollsteimer's Office after the November 3, 2020 election which would allow James Savage to have access to information at the District Attorney's Office. District Attorney Jack Stollsteimer hired Demar Moon as a favor to Defendant James Savage. Additionally, he failed to disclose that Demar Moon now working at the District Attorney's Office previously worked for James Savage at the Voting Machine Warehouse. Demar Moon maintained a close relationship with Defendant James Savage after moving to the District Attorneys Office following the November 3, 2020 election. Demar Moon specifically stated after his move that "Jim Savage missed me, and pretty much threatened

me to come back (to the VMW) Jim Savage threatened me and Jim Savage said I don't give a fuck who you work for (DA Jack Stollsteimer) you are coming back here." [Attached hereto as Plaintiffs' Exhibit C1 and Exhibit C2].

- e. District Attorney Jack Stollsteimer's May 4, 2022, letter failed to disclose that Tanner Rouse is the First Deputy District Attorney working under District Attorney Jack Stollsteimer. Tanner Rouse was the lead of the Election Investigation Task Force for the November 3, 2020, election and was assigned to this task force in October 2020. This task force collaborated and worked with Delaware County Executive Director Howard Lazarus, a named Defendant in the instant lawsuit. Again, undersigned counsel is sure that the Court would evaluate the District Attorney's "investigation" with scrutiny and skepticism when presented with the fact that a person who holds the position as the Delaware County Executive Director collaborated and worked with the District Attorneys First Deputy prior to the November 3, 2020 election, during the November 3, 2020 election, and after the November 3, 2020 election. [Attached hereto as Plaintiffs' Exhibit D]. Moreover, Plaintiffs have introduced evidence in their Complaint regarding suspicious statements made by Defendant Howard Lazarus following the November 3, 2020, election and an IT hack that occurred during the reconciliation of the November 3,

2020 election and Defendant Lazarus how one person responsible for downloading the election results in Delaware County. [Attached hereto as Plaintiffs' Exhibit E].

- f. District Attorney Jack Stollsteimer's May 4, 2022, letter is addressed to Defendant Gerald Lawrence. District Attorney Stollsteimer failed to disclose in his letter that Defendant Gerald Lawrence donated \$2,500.00 to District Attorney Stollsteimer on October 26, 2019. District Attorney Jack Stollsteimer further failed to disclose that Defendant Gerald Lawrence donated \$25,000 to Josh Shapiro, Attorney General, on December 30, 2021. Attorney General Shapiro is currently representing co-defendant, former Secretary of State, Kathy Boockvar. [Attached hereto as Plaintiffs' Exhibit F].
- g. District Attorney Jack Stollsteimer failed to disclose that he was asked in writing by undersigned counsel how he intended to address his conflicts of interest, and that he refused to answer the question regarding his conflicts. To date, District Attorney Jack Stollsteimer has failed to recuse himself as it relates to investigations involving named Defendants in the instant lawsuit. [Attached hereto as Plaintiffs' Exhibit G].
- h. District Attorney Jack Stollsteimer states in his May 4, 2022, letter that the whistleblower was "uncooperative and unwilling to meet with detectives" from Stollsteimer's office. This is an egregious false statement that District Attorney Jack Stollsteimer makes in

his letter and it repeated verbally to the people of Delaware County at County Council meetings. Counsel for whistleblower Regina Miller took the standard steps when contacting the District Attorney's Office on behalf of Regina Miller in order to appropriately advise her. Undersigned counsel requested to know the scope of the investigation, who was the target of the investigation, and since Ms. Miller has done absolutely nothing wrong-asked whether the district attorney give her a standard immunity agreement to reassure her that her meeting with his office would not ultimately be something used against her. District Attorney Jack Stollsteimer, by and through his subordinates and detectives, identified the scope of investigation limiting it to the year of 2021 (contrary to the May 4, 2022, letter) yet refused to identify who were the targets of the investigation, nor would they offer a standard immunity agreement to Regina Miller. This correspondence between District Attorney Jack Stollsteimer's Office and Ms. Miller's counsel made it clear from the start that it was Jack Stollsteimer's intent to conduct a sham "investigation" with no regard for an eyewitness who documented massive election fraud and election manipulation in Delaware County during the November 2020 election. [Attached hereto as Plaintiffs' Exhibit H].

- i. District Attorney Jack Stollsteimer falsely states in his May 4, 2022, letter that the

videos (without specifying exactly which videos) have been taken out of context or have been altered. Neither of Stollsteimer's statements are true. Plaintiffs intend to introduce their evidence at trial before this Honorable County. Plaintiffs also intend to introduce an expert witness that will testify that he has evaluated the videos, that the videos have not been altered, and the statements in the videos are properly stated and pled by Plaintiffs.

- j. Moreover, District Attorney Jack Stollsteimer announced that there will be no criminal charges as it relates to unspecified evidence that he reviewed relating to James Savage and James Allen and Stollsteimer announced in the May 4, 2022, letter that the "investigation" is now closed. A Right to Know Request was then submitted to the District Attorney's Office to obtain a copy of the Stollsteimer's "investigations" and the Right to Know Requests was denied by the District Attorney to avoid transparency as it relates to his "investigation." The denial of the Right to Know Request prevents Plaintiffs from evaluating the "investigation" conducted by Stollsteimer and prevents Plaintiffs from obtaining evidence as it relates to the Defendants interviewed in this lawsuit. Defendants want to use the District Attorneys letter regarding the sham "investigation" yet fail to provide the substantive evidence for Plaintiffs and this Honorable Court to review. [Attached hereto as Plaintiffs' Exhibit I].

- k. Plaintiffs' Complaint contains factual allegations and evidence supporting those allegations that District Attorney Stollsteimer's "investigation" failed to address in light of the claims in Plaintiffs' Complaint, and which allegations are broader and cover evidence of major fraud in the conducting of the November 2020 election, and beyond. District Attorney Stollsteimer's "investigation" does not even purport to address the allegations in Plaintiffs' lawsuit.
- l. District Attorney Stollsteimer commends James Savage in his May 4, 2022 letter referring to his "investigation. This is shocking given the overwhelming evidence involving James Savage who was planted as the Voting Machine Warehouse Supervisor for the November 3, 2020 election. Defendant Savage previously worked for the United Steelworkers Union, and has since returned to the United Steelworker Union in Washington D.C. to work on legislation. Defendant Savage was witnessed changing election results, altering and manipulating election data, and conspiring how to coverup his illegal acts. Moreover, Defendant Savage (consistent with the "Big Lie" narrative) filed a defamation lawsuit against Plaintiff Leah Hoopes and Plaintiff Gregory Stenstrom in Philadelphia, case no. 211002495. Defendant Savage orchestrates elaborate lies in his defamation lawsuit against Hoopes and Stenstrom and states that he had heart attacks as a result of their witness statements

describing his role in the November 3, 2020 election. Plaintiffs have evidence that Defendant Savages claims are false. Specifically Savage states that he had heart attacks as a result of major blockage in his arteries-not as a result of Plaintiff Hoopes and Stenstrom's evidence against him describing his election law violations and fraud. [Attached hereto as Plaintiffs' Exhibit J].

- m. District Attorney Stollsteimer failed to mention in his May 4, 2022, letter that numerous Defendants, including but not limited to James Zigglehoffer and Thomas Gallagher, listed in this instant lawsuit believe that charges should have been brought by Stollsteimer as it relates to the November 3, 2020, election. [Attached hereto as Plaintiffs' Exhibit K].
- n. District Attorney Stollsteimer failed to mention in his May 4, 2022, letter that election law violations required referral by the Return Board to the District Attorney's Office following the November 3, 2020, election and that he failed to prosecute despite having a "task force" set up to do so. [Attached hereto as Plaintiffs' Exhibit L]. Plaintiffs' review of the election data revealed that over 30 precincts were missing Return Sheets and/or election machine tapes. It appears that District Attorney Stollsteimer is now motivated to coverup his lack of investigation and prosecution that was requested of his office in November of 2020.

- o. Despite the false statements from District Attorney Jack Stollsteimer there is an abundance of evidence as it relates to Defendant Thomas Gallagher. Thomas Gallagher is an attorney and is caught on video destroying, and admitting to destroying election data that is required to be preserved for 22 months pursuant to USC § 20701 and USC § 20702.
- p. Despite the false statements from District Attorney Jack Stollsteimer, there is an abundance of evidence as it relates to all 40 defendants and even several named Defendants agree certain defendants should have been prosecuted which is well articulated in Plaintiffs' Complaint and Exhibits filed in the instant matter.

3. Additionally, Defendants fail to address that even if District Attorney Jack Stollsteimer did a thorough and legitimate investigation, which he did not, that his burden of proof is beyond a reasonable doubt which is much higher than what Plaintiffs are required to prove to meet their burden before this Honorable Court in a civil lawsuit.

4. Plaintiffs deny that sanctions are appropriate and leave Defendants to their proofs. Stating further, Plaintiffs deny that their lawsuit is frivolous. Delaware County was the last County certified in the 2020 election. As demonstrated in the Complaint and the Exhibits attached thereto, Plaintiffs have provided a sampling of the evidence showing that the Delaware County Defendants participated in a conspiracy related to the November 3, 2020 election, and continued that conspiracy which was revealed by information

responsive to the May 21, 2021, Right to Know request, showing that Defendants knowingly and fraudulently altered, destroyed, concealed and/or manipulated election machines, data, equipment, and election results. Defendants fraudulently manipulated the election and fraudulently manipulated the response to the Right to Know request in an effort to conceal and hide the fraud that occurred during the November 3, 2020 election.

5. Plaintiff Ruth Moton has not filed any lawsuit against these Defendants prior to the instant one. Plaintiffs admit only that the two lawsuits referred to in this paragraph were docketed.

6. Plaintiffs admit only that they filed a pro se Complaint on November 19, 2021, and had significant difficulty uploading exhibits. Subsequent to that filing, undersigned counsel filed an appearance, withdrew that Complaint, and subsequently refiled a complaint on December 27, 2021.

7. Plaintiff again deny that their lawsuit is moot. Where the basis for dismissal is mootness, such a decision has no bearing on the merits of future litigation, and in fact, the Supreme Court consistently admonishes lower courts that judgments that are unreviewable due to mootness are vacated and have no legal consequences, *i.e.*, precedential effect upon future litigation, and therefore, the Court has explicitly reminded lower courts that such orders clear the path for possible future litigation of legal issues between the parties. *See, e.g., United States v. Munsingwear, Inc.*, 340 U.S. 36, 39-40 (1950). As demonstrated in the Complaint and the Exhibits attached thereto, Plaintiffs have provided a sampling of the evidence showing that the Delaware County

Defendants participated in a conspiracy related to the November 3, 2020 election, and continued that conspiracy which was revealed by information responsive to the May 21, 2021, Right to Know request, showing that Defendants knowingly and fraudulently altered, destroyed, concealed and/or manipulated election machines, data, equipment, and election results. Defendants fraudulently manipulated the election and fraudulently manipulated the response to the Right to Know request in an effort to conceal and hide the fraud that occurred during the November 3, 2020 election. In other words, while the factual allegations in Plaintiffs' Complaint supported by documents and evidence arise from the conducting and operation of the 2020 election, the claims and causes of action pleaded therein (the legal issues) are in no way foreclosed by an order that has no precedential or binding effect upon future litigation of legal issues by and between these parties.

8. Plaintiffs deny that they have filed an improper pleading and/or that it is part of a pattern of similar conduct. As demonstrated in the Complaint and the Exhibits attached thereto, Plaintiffs have provided a sampling of the evidence showing that the Delaware County Defendants participated in a conspiracy related to the November 3, 2020 election, and continued that conspiracy which was revealed by information responsive to the May 21, 2021, Right to Know request, showing that Defendants knowingly and fraudulently altered, destroyed, concealed and/or manipulated election machines, data, equipment, and election results. Defendants fraudulently manipulated the election and fraudulently manipulated the response to the Right to Know request in an effort to conceal

and hide the fraud that occurred during the November 3, 2020 election. Plaintiffs have stated a claim for relief based upon the violations of law alleged in their Complaint and supported by the evidence attached thereto, and such relief includes, but is not limited to holding Defendants accountable as civil servants for their past and current actions and ensuring that future conduct of this nature does not recur. Defendants ignore the fact that substantial evidence of corruption, fraud and conspiracy to commit fraud has been shown, and they have the audacity to assert that the Court has no power to remedy it.

RELIEF REQUESTED

WHEREFORE, in accordance with the aforementioned paragraphs in response to Defendants' Motion for Sanctions, Plaintiffs respectfully request that this Honorable Court deny Defendant's motion and all relief sought therein;

Alternatively, and/or in addition, Plaintiffs respectfully request that the Court hold a hearing and allow oral argument on Defendant's Motion;

Alternatively, and/or in addition, Plaintiffs respectfully request that if the Court concludes that Plaintiffs' Complaint is lacking in some respects, that Plaintiffs be granted leave to amend their complaint.

Plaintiffs deserve to have their case heard by a trier of fact for many reasons including but not limited to transparency, and accountability which will discourage those with significant roles in elections to follow the law resulting in accurate elections that reflect the will of the people.

Respectfully submitted,

/s/ Thomas J Carroll

Attorney ID: 53296

Attorney for Plaintiffs

LAW OFFICE OF THOMAS J CARROLL

224 King Street

Pottstown, PA, 19464

(610)419-6981

tom@thomasjcarrolllaw.com

Date: June 8, 2022

VERIFICATION

I, Thomas J. Carroll, Esquire, hereby verify that I represent Defendants Ruth Moton, Gregory Stenstrom, and Leah Hoopes in this action and that the statements made in the foregoing pleadings are true correct to the best of my knowledge, information, and belief. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa. C.S. section 4904 relating to unsworn falsification to authorities.

/s/ Thomas J Carroll

Date: June 8, 2022

**EXHIBIT A: EMAIL CORRESPONDENCE
BETWEEN FEDERAL ATTORNEY
AND DETECTIVE LYTHGOE**

From: Federalattorney<Federalattorney@protonmail.com>
Date: On Thu, Apr 21, 2022 at 1:35 PM
Subject: Fwd: Follow up to our call on April 21,2022
To: lythgoer@co.delaware.pa.us
<lythgoer@co.delaware.pa.us>
CC: Tom Carroll <tom@thomasjcarrolllaw.com>

Dear Detective Lythgoe,

Thank you for taking time to speak with us this morning regarding our client, Regina Miller.

Mr. Carroll and I were pressed for time due to our schedule this morning, but we understand that you had contacted Ms. Miller to interview her as it relates to a fraud investigation limited to the scope of 2021.

We understand that you wish to speak further with Detective Banner, the lead on this investigation.

We will wait to hear from your office. We request that you contact us through email as that is easiest for us when we are in court.

Best regards,

Stefanie Lambert and Thomas Carroll

Sent from ProtonMail for iOS

From: Lythgoe, Robert T.<LythgoeR@co.delaware.pa.us>
Date: On Thu, Apr 21, 2022 at 3:45 PM
Subject: Fwd: RE: (EXTERNAL) Follow up to our call
on April 21,2022
To: Federalattorney
<Federalattorney@protonmail.com>
CC: Rhoads, Doug
<RhoadsD@co.delaware.pa.us>, Bannar, Steven
<BannarS@co.delaware.pa.us>, tom@thomasjcarrolll
aw.com <tom@thomasjcarrolllaw.com>
Stefanie LAMBERT

Attorney at Law

Detective Steven BANNAR and/or I will be in
contact with you to schedule an interview with Regina
MILLER, should Ms. MILLER desire to speak with
us.

Please provide us with a contact telephone
number.

Thank you!

Our File – 21-2722

Detective Robert T. LYTHGOE, Jr.
Delaware County Office of the District Attorney
Criminal Investigation Division | Special Investigations
Unit
Delaware County Court House
201 West Front Street
Media, PA 19063
Direct: 610-891-4243 | Police Radio: 610-892-8400
Facsimile: 610-566-1334
E-mail: LythgoeR@co.delaware.pa.us

From: Federalattorney
<Federalattorney@protonmail.com>
Sent: Thursday, April 21, 2022 1:35 PM
To: Lythgoe, Robert T.
<LythgoeR@co.delaware.pa.us>
Cc: Tom Carroll <tom@thomasjcarrolllaw.com>
Subject: (EXTERNAL) Follow up to our call on April 21,2022

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. When in doubt, contact your IT Department

Dear Detective Lythgoe,

Thank you for taking time to speak with us this morning regarding our client, Regina Miller.

Mr. Carroll and I were pressed for time due to our schedule this morning, but we understand that you had contacted

Ms. Miller to interview her as it relates to a fraud investigation limited to the scope of 2021.

We understand that you wish to speak further with Detective Banner, the lead on this investigation.

We will wait to hear from your office. We request that you contact us through email as that is easiest for us when we are in court.

Best regards,

Stefanie Lambert and Thomas Carroll

**EXHIBIT B-1:
URL REFERENCE TO VIDEO EVIDENCE**

<https://rumble.com/v29td2o-scotus-22-503-reconsideration-sur-reply-exhibit-b1.html>

**EXHIBIT B-2:
URL REFERENCE TO VIDEO EVIDENCE**

<https://rumble.com/v29tec8-scotus-22-503-reconsideration-sur-reply-exhibit-b2.html>

EXHIBIT C-1: DAMARR MOON LISTING IN STAFF DIRECTORY



- [Go back to directory.](#)
- [Add to Address Book.](#)

Damarr Moon

Secretary

Judge Cappelli, Judge Scanlon

Phone: 610-891-4215

Email: moond@co.delaware.pa.us

Categories:

- [The Trial Teams » Judge Cappelli](#)

Damarr Moon

Secretary

Judge Cappelli, Judge Scanlon

Phone: 610-891-4215

Email: moond@co.delaware.pa.us


Categories:

- The Trial Teams >> Judge Cappelli
- The Trial Teams >> Judge Scanlon

**EXHIBIT C-2: URL REFERENCE
TO AUDIO EVIDENCE**


<https://rumble.com/v29tely-scotus-22-503-reconsideration-sur-reply-exhibit-c2.html>

EXHIBIT D: ELECTION DAY PREPARATION BY DELCO LAW ENFORCEMENT

Delaware County
Pennsylvania

MENU

Released: October 30, 2020



PUBLIC RELATIONS
NAVIGATION

- Press Releases
- County Newsletter
- Use of County Facility Form

Questions about COVID-19 vaccines? Please
call the COVID-19 Call Center: 484-276-2100.

Adrienne Marofsky, Director
Government Center, 226A,
201 W. Front St.
Media, PA 19063
Phone: 610-891-4943
delcopr@co.delaware.pa.us

First Assistant District Attorney Tanner Rouse announced today the extensive and collaborative efforts that have been undertaken to ensure the safety and integrity of Delaware County's 2020 election. Joined by Chief James Nolan, Chief of the Criminal Investigation Division, Chief David Splain, President of the Delaware County Chiefs of Police Association, Scott Mahoney, Superintendent of the Park Police, Tim Boyce, Director of Delco Emergency Services, Sheriff Jerry Sanders, Chris Eiserman, Vice President of Delco FOP Lodge 27, County Councilwoman Elaine Schaefer, Executive Director Howard Lazarus, as well as attorneys from the DA's office involved in Election Protection efforts, the message to Delaware County residents was straightforward: law enforcement has been working hard to ensure that the election process is free from fraud, intimidation and other violations of law.

"It cannot be said often enough: the right to vote in a free and fair election is the foundation of our democracy," said First Assistant Rouse. "For that reason, early in this election cycle our office began its effort to prepare for Election Day." Rouse explained

that while the DA's office has historically had staff available to respond to questions on Election Day, this year because of the pandemic, as well as the national political climate, it was decided that it would be prudent to engage in a more comprehensive effort at education and mobilization. The office worked with members of law enforcement throughout the County to anticipate the problems that may arise before, during or after Election Day, and then developed guidance on those issues. That guidance has been shared with the chiefs of every municipal police force in Delaware County, as well as with the Sheriff's office, constables and the Park Police. First Assistant Rouse also emphasized that the preparations have been conducted free from any political interference, and have involved participants from every part of the political spectrum.

In addition to offering guidance, Rouse wanted to make clear that Delaware County law enforcement is prepared to respond quickly and forcefully on Election Day to any allegations of voter fraud or intimidation. "We have assembled a team of Assistant District Attorneys and detectives to immediately investigate any claims of fraud or intimidation. Our office is focused on protecting the sanctity of every vote, while ensuring that voters feel safe and secure in exercising their Constitutional rights, and to avoid any appearance that any office has a political motivation in carrying its duties under the law," said Rouse.

If you encounter a problem on Election Day, residents are encouraged to call the District Attorney's Office Election Day hotline at 610-891-4797.

The District Attorney and the Criminal Investigation Division remind anyone in Delaware County

Reh.App.103a

who observes suspicious activity to call 911 immediately and provide the most specific and accurate details possible to assist law enforcement agencies investigating the call for service.

**EXHIBIT E: URL REFERENCE
TO AUDIO EVIDENCE**

[https://cloud.patriot.online/s/E7fnH2QGack
xWQ2](https://cloud.patriot.online/s/E7fnH2QGackxWQ2)

**EXHIBIT F: PORTFOLIO OF GERALD
LAWRENCE AND DONATIONS**

Gerald Lawrence
Individual

\$105,750
TOTAL CONTRIBUTIONS

Amount	\$25,000.00
Committee	Josh Shapiro
Date	12/30/2021
Occupation	Attorney
Employer	Lowey Dannenberg

Amount	\$10,000.00
Committee	Delaware County Democratic Committee
Date	09/27/2021
Occupation	Attorney
Employer	Lowey Dannenberg PC

Amount	\$10,000.00
Committee	Tom Wolf
Date	12/09/2017
Occupation	Attorney
Employer	Lowey Dannenberg Cohen and Hart PC

Reh.App.106a

Amount	\$5,000.00
Committee	Delaware County Democratic Committee
Date	03/24/2019
Occupation	Attorney
Employer	Lowey Dannenberg PC

Amount	\$5,000.00
Committee	Delaware County Democratic Committee
Date	10/23/2019
Occupation	Attorney
Employer	Lowey Dannenberg PC

Amount	\$5,000.00
Committee	Delaware County Democratic Committee
Date	04/04/2021
Occupation	Attorney
Employer	Lowey Dannenberg

Amount	\$5,000.00
Committee	Joseph Torsella
Date	10/07/2020
Occupation	Attorney
Employer	Lowey Dannenberg Cohen & Hart

Reh.App.107a

	PC
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Amount	\$5,000.00
Committee	Steve Irwin
Date	05/06/2021
Occupation	Attorney
Employer	Lowey Dannenberg PC

Amount	\$5,000.00
Committee	Tom Wolf
Date	12/22/2019
Occupation	Attorney
Employer	Lowey Dannenberg PC

Amount	\$5,000.00
Committee	Tom Wolf
Date	07/16/2019
Occupation	Attorney
Employer	Lowey Dannenberg PC

Amount	\$2,500.00
Committee	Jack Stollsteimer
Date	10/26/2019
Occupation	Attorney

Reh.App.108a

Employer	Lowey Dannenberg PC
----------	---------------------

Amount	\$2,500.00
Committee	Josh Shapiro
Date	11/19/2019
Occupation	Attorney
Employer	Lowey Dannenberg

Amount	\$2,500.00
Committee	Tom Wolf
Date	07/15/2018
Occupation	Dnc - Delaware
Employer	Lowey Dannenberg Cohen and Hart PC

Amount	\$2,500.00
Committee	Tom Wolf
Date	09/13/2018
Occupation	Dnc - Delaware
Employer	Lowey Dannenberg Cohen and Hart PC

Amount	\$2,500.00
Committee	Tom Wolf
Date	09/13/2018

Reh.App.109a

Occupation	Dnc - Delaware
Employer	Lowey Dannenberg Cohen and Hart PC

Total Contributions	\$46,250.00
Alias	Gerald Lawrence
City	Conshohocken
State	PA
Employer	Lowey Dannenberg

Total Contributions	\$31,000.00
Alias	Gerald Lawrence
City	Wayne
State	PA
Employer	Lowey Dannenberg Cohen & Hart PC

Total Contributions	\$27,500.00
Alias	Gerald Lawrence
City	Wayne
State	PA
Employer	Lowey Dannenberg

Total Contributions	\$1,000.00
Alias	Gerald Lawrence

Reh.App.110a

City	W Conshohocken
State	PA
Employer	Lowey Dannenberg PC



LOWEY DANNENBERG



Gerald Lawrence
Partner, COO
914-733-7258

glawrence@lowey.com
White Plains, NY
Bridgeport, PA

Education:

B.S., B.A. Georgetown University (1990)

J.D. Villanova University School of Law (1993)

Bar/Court Admissions:

Pennsylvania, New York; the U.S. Courts of Appeals for the 1st, 2nd and 3rd Circuits; the U.S. District Courts for the Eastern and Middle Districts of Pennsylvania and the Eastern and Southern Districts of New York

About Gerald Lawrence

Mr. Lawrence is sought after by clients for a range of complex litigation matters in the areas of healthcare and investor litigation. He is a shareholder and the firm's chief operating officer. He has a long history of political and community involvement.

Practice Areas:

Healthcare Litigation, Antitrust Litigation

Noteworthy Cases & Achievements:

Mr. Lawrence represents health benefits plan providers in antitrust litigation and has recovered over a billion dollars on their behalf. He also represents investors in financial services recovery litigation involving antitrust, commodities fraud, and RICO claims. Mr. Lawrence heads the firm's mass tort lien recovery practice.

He has a long history of political and community involvement. As a member of the Democratic National Committee, he has five times been a Delegate to the Democratic National Convention, including in 2020. Since 2016, he has served as one of 9 members of the Pennsylvania Judicial Advisory Commission by commission of Governor Tom Wolf.

By appointment of the Supreme Court of Pennsylvania, he served two terms, including as Chairman, on the Pennsylvania Board of Law Examiners and also served two terms, including as Vice-Chairman, on the Disciplinary Board which regulates the conduct of Pennsylvania's attorneys. He served several terms on the Supreme Court's Investment Advisory Board which coordinates investment policy.

Reh.App.113a

**EXHIBIT G: EMAIL CORRESPONDENCE
BETWEEN FEDERAL ATTORNEY
AND DOUGLAS A. RHOADS**

From: Federalattorney<Federalattorney@protonmail.com>
Date: On Wed, May 4, 2022 at 11:37 AM
Subject: Fwd: Regina Miller
To: Rhoads, Doug
<RhoadsD@co.delaware.pa.us>,
Tom Carroll <tom@thomasjcarrolllaw.com>
CC:

Dear Mr. Rhoads,

We do not agree that our client is not cooperative.

We are simply asking for some information regarding what you are investigating in order to answer her questions and advise her. Certainly you can understand why we are required to have these conversations with our client.

We would also to know if District Attorney Stollsteimer intends to recuse himself from this investigation due to conflict of interest.

Sincerely,

Stefanie Lambert and Thomas Carroll

Sent from ProtonMail for iOS

On Wed, May 4, 2022 at 11:28 AM, Rhoads, Doug
<RhoadsD@co.delaware.pa.us> wrote:

Counsel:

Thank you for your response. I reiterate that the detectives will not agree to preconditions to interview

your client. In light of your position, the investigation will proceed without the cooperation of your client.

Sincerely,

Douglas A. Rhoads
Deputy District Attorney
Office of the District Attorney
201 West Front Street
Media, PA 19063
rhoadsd@co.delaware.pa.us
(610) 891-4192 phone
(610) 566-1334 fax

From: Federalattorney<Federalattorney@protonmail.com>
Date: On Wed, May 4, 2022 at 2:44 PM
Subject: Fwd: Regina Miller
To: Rhoads, Doug
<RhoadsD@co.delaware.pa.us>,
Tom Carroll <tom@thomasjcarrolllaw.com>
CC:

Counsel:

We would like to state again that we simply need to have some information regarding the scope of your investigation in order to appropriately advise Ms. Miller regarding her constitutional rights.

We do not consider this standard request a “precondition.”

Please advise if your office has taken any steps of recusal based up conflict of interest with attorney Jack Stollsteimer.

Sincerely,

Stefanie Lambert and Thomas Carroll

Sent from ProtonMail for iOS

On Wed, May 4, 2022 at 11:28 AM, Rhoads, Doug
<RhoadsD@co.delaware.pa.us> wrote:

Counsel:

Thank you for your response. I reiterate that the detectives will not agree to preconditions to interview your client. In light of your position, the investigation will proceed without the cooperation of your client.

Sincerely,

Douglas A. Rhoads
Deputy District Attorney
Office of the District Attorney
201 West Front Street
Media, PA 19063
rhoadsd@co.delaware.pa.us
(610) 891-4192 phone
(610) 566-1334 fax

**EXHIBIT H: EMAIL CORRESPONDENCE
BETWEEN FEDERAL ATTORNEY
AND DETECTIVE LYTHGOE**

From: Federalattorney<Federalattorney@protonmail.com>
Date: On Thu, Apr 21, 2022 at 1:35 PM
Subject: Fwd: Follow up to our call on April 21,2022
To: lythgoer@co.delaware.pa.us
<lythgoer@co.delaware.pa.us>
CC: Tom Carroll <tom@thomasjcarrolllaw.com>

Dear Detective Lythgoe,

Thank you for taking time to speak with us this morning regarding our client, Regina Miller.

Mr. Carroll and I were pressed for time due to our schedule this morning, but we understand that you had contacted Ms. Miller to interview her as it relates to a fraud investigation limited to the scope of 2021.

We understand that you wish to speak further with Detective Banner, the lead on this investigation.

We will wait to hear from your office. We request that you contact us through email as that is easiest for us when we are in court.

Best regards,

Stefanie Lambert and Thomas Carroll

Sent from ProtonMail for iOS

From: Lythgoe, Robert T.<LythgoeR@co.delaware.pa.us>
Date: On Thu, Apr 21, 2022 at 3:45 PM
Subject: Fwd: RE: (EXTERNAL) Follow up to our call
on April 21,2022
To: Federalattorney
<Federalattorney@protonmail.com>
CC: Rhoads, Doug
<RhoadsD@co.delaware.pa.us>, Bannar, Steven
<BannarS@co.delaware.pa.us>, tom@thomasjcarrolll
aw.com <tom@thomasjcarrolllaw.com>

Stefanie LAMBERT

Attorney at Law

Detective Steven BANNAR and/or I will be in
contact with you to schedule an interview with Regina
MILLER, should Ms. MILLER desire to speak with us.

Please provide us with a contact telephone
number.

Thank you!

Our File – 21-2722

Detective Robert T. LYTHGOE, Jr.
Delaware County Office of the District Attorney
Criminal Investigation Division | Special Investigations
Unit
Delaware County Court House
201 West Front Street
Media, PA 19063
Direct: 610-891-4243 | Police Radio: 610-892-8400
Facsimile: 610-566-1334
E-mail: LythgoeR@co.delaware.pa.us

From: Federalattorney<Federalattorney@protonmail.com>
Date: On Thu, Apr 21, 2022 at 1:35 PM
Subject: Fwd: Follow up to our call on April 21,2022
To: lythgoer@co.delaware.pa.us
<lythgoer@co.delaware.pa.us>
CC: Tom Carroll <tom@thomasjcarrolllaw.com>

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We understand that you wish to speak further with Detective Banner, the lead on this investigation.

We will wait to hear from your office. We request that you contact us through email as that is easiest for us when we are in court.

Best regards,

Stefanie Lambert and Thomas Carroll

Sent from ProtonMail for iOS

From: Lythgoe, Robert T. <LythgoeR@co.delaware.pa.us>
Date: On Mon, May 2, 2022 at 10:55 AM
Subject: Fwd: INTERVIEW
To: Federalattorney
<Federalattorney@protonmail.com>,
tom@thomasjcarrolllaw.com
<tom@thomasjcarrolllaw.com>
CC: Rhoads, Doug
<RhoadsD@co.delaware.pa.us>, Bannar, Steven
<BannarS@co.delaware.pa.us>

Detective Steven BANNAR and I would like to interview your client, Regina MILLER, no later than this Wednesday, 05.04.2022. To date, Ms. MILLER has not cooperated with efforts to be interviewed.

Thank you!!!!

Our File – 21-2722

Detective Robert T. LYTHGOE, Jr.
Delaware County Office of the District Attorney
Criminal Investigation Division | Special Investigations
Unit
Delaware County Court House
201 West Front Street
Media, PA 19063
Direct: 610-891-4243 | Police Radio: 610-892-8400
Facsimile: 610-566-1334 | Mobile: 610-496-4468
E-mail: LythgoeR@co.delaware.pa.us

From: Federalattorney
<Federalattorney@protonmail.com>
Date: On Tue, May 3, 2022 at 10:36 AM
Subject: Fwd: Regina Miller
To: lythgoer@co.delaware.pa.us
<lythgoer@co.delaware.pa.us>, Tom Carroll
<tom@thomasjcarrolllaw.com>
CC:

Dear Detective Lythgoe,

Thank you for your prompt attention to this matter. We have reviewed your May 2, 2022 email, and are disturbed by your gross misrepresentation of our past communication regarding our client, Regina Miller, stating that she is “not cooperative.”

In your May 2, 2022 email, you stated “To date, Ms. Miller has not cooperated with efforts to be interviewed” which you concluded with “Thank You” followed by four exclamation points. This statement is entirely inconsistent with your April 21, 2022 email stating “Detective Banner and/or I will be in contact with you to schedule an interview with Regina Miller, should Ms. Miller DESIRE to speak with us.”

Neither you nor Detective Banner contacted attorney Stefanie Lambert nor attorney Thomas Carroll prior to May 2, 2022. You have previously emailed both attorney Stefanie Lambert and attorney Thomas Carroll, and certainly had the ability and contact information to write us to communicate about Regina Miller between April 21, 2022 and May 2, 2022.

Moreover, you contacted our client Regina Miller by phone, and she instructed you to call her attorneys.

You failed to call us, and in fact, we initiated contact with you by phone on April 21, 2022.

When we spoke on April 21, 2022, both attorney Stefanie Lambert and attorney Thomas Carroll requested that the communication between our offices and your office take place in writing, which was acknowledged with a subsequent email. Given your gross misrepresentation of facts, all communication between our offices will take place in writing going forward.

When we spoke on April 21, 2022, you stated that the scope of the District Attorney Jack Stollsteimer's investigation is limited to the year of 2021. However, to date, you have not provided the names of the targets of Mr. Stollsteimer's investigation. You stated that "Ms. Miller is not in trouble" yet you have not provided an immunity agreement for us to review, and discuss same with our client, Regina Miller. Additionally, it is our practice to review an investigator/DA's full file prior to advising our client. Please provide a copy of your file immediately for our review.

Lastly, your demand-following no communication from your office after April 21, 2022, for an in person meeting, within 48 hours, with our client, Regina Miller is unrealistic and unprofessional. As you are aware, attorney Lambert lives in Michigan and all attorneys have full calendars. Upon review of your full file, immunity agreement, and names of your targets of investigation, we will advise Ms. Miller accordingly and arrange a date consistent with professional calendars.

We look forward to hearing from you in the near future. We request that you send all communication

by email to allow us to timely respond. Please use tom@thomasjcarrolllaw.com, and federalattorney@protonmail.com. Please copy both of us on all emails.

Sincerely,

Thomas J. Carroll and Stefanie Lambert

From: Lythgoe, Robert T.
<LythgoeR@co.delaware.pa.us>
Sent: Tuesday, May 3, 2022 11:16 AM
To: Bannar, Steven <BannarS@co.delaware.pa.us>;
Rhoads, Doug <RhoadsD@co.delaware.pa.us>
Subject: FW: (EXTERNAL) Regina Miller

From: Federalattorney
<Federalattorney@protonmail.com>
Sent: Tuesday, May 3, 2022 10:36 AM
To: Lythgoe, Robert T.
<LythgoeR@co.delaware.pa.us>; Tom Carroll
<tom@thomasjcarrolllaw.com>
Subject: (EXTERNAL) Regina Miller

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. When in doubt, contact your IT Department

Dear Detective Lythgoe,

Thank you for your prompt attention to this matter. We have reviewed your May 2, 2022 email, and are disturbed by your gross misrepresentation of our past communication regarding our client, Regina Miller, stating that she is “not cooperative.”

In your May 2, 2022 email, you stated “To date, Ms. Miller has not cooperated with efforts to be interviewed” which you concluded with “Thank You” followed by four exclamation points. This statement is entirely inconsistent with your April 21, 2022 email stating “Detective Banner and/or I will be in contact with you to schedule an interview with Regina Miller, should Ms. Miller DESIRE to speak with us.”

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Moreover, you contacted our client Regina Miller by phone, and she instructed you to call her attorneys. You failed to call us, and in fact, we initiated contact with you by phone on April 21, 2022.

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an immunity agreement for us to review, and discuss same with our client, Regina Miller. Additionally, it is our practice to review an investigator/DA's full file prior to advising our client. Please provide a copy of your file immediately for our review.

Lastly, your demand-following no communication from your office after April 21, 2022, for an in person meeting, within 48 hours, with our client, Regina Miller is unrealistic and unprofessional. As you are aware, attorney Lambert lives in Michigan and all attorneys have full calendars. Upon review of your full file, immunity agreement, and names of your targets of investigation, we will advise Ms. Miller accordingly and arrange a date consistent with professional calendars.

We look forward to hearing from you in the near future. We request that you send all communication by email to allow us to timely respond. Please use tom@thomasjcarrolllaw.com, and federalattorney@protonmail.com. Please copy both of us on all emails.

Sincerely,

Thomas J. Carroll and Stefanie Lambert

From: Rhoads, Doug<RhoadsD@co.delaware.pa.us>

Date: On Tue, May 3, 2022 at 2:47 PM

Subject: Fwd: RE: (EXTERNAL) Regina Miller

To: tom@thomasjcarrolllaw.com

<tom@thomasjcarrolllaw.com>,

federalattorney@protonmail.com

<federalattorney@protonmail.com>

CC: Lythgoe, Robert T.

<LythgoeR@co.delaware.pa.us>, Bannar, Steven

<BannarS@co.delaware.pa.us>

Dear Ms. Lambert and Mr. Carroll:

I am in receipt of your below correspondence, regarding your response to efforts to interview Regina Miller. Please be advised, the assigned detectives do not agree to your requests for preconditions to interview Ms. Miller, including, but not limited to, "a review of an investigator/DA's full file" and/or an "immunity agreement." Given the nature of the investigation and the outreach to Ms. Miller, such preconditions are unorthodox and inappropriate.

Please advise immediately of your client's willingness and ability to meet for an interview without preconditions. In the event attorneys' schedules are the only impediment to such an interview, we can extend a professional courtesy to accommodate you. Reserving commentary on your recitation of recent events, law enforcement outreaches to interview Regina Miller predate your timeline considerably. Detectives are trying to move forward with the cooperation of Ms. Miller.

We look forward to your response.

Sincerely,

Douglas A. Rhoads
Deputy District Attorney
Office of the District Attorney
201 West Front Street
Media, PA 19063
rhoardsd@co.delaware.pa.us
(610) 891-4192 phone
(610) 566-1334 fax

From: Federalattorney

Reh.App.127a

<Federalattorney@protonmail.com>

Sent: Wednesday, May 4, 2022 9:40 AM

To: Rhoads, Doug <RhoadsD@co.delaware.pa.us>;

Tom Carroll <tom@thomasjcarrolllaw.com>

Subject: (EXTERNAL) Regina Miller

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. When in doubt, contact your IT Department

Dear Attorney Rhodes,

Thank you for your response. We are unable to provide advice to our client at this time due to lack of information.

As you know, it is common for prosecutors to discuss the target and scope of their investigations with counsel. You have indicated that you will not give Ms. Miller an immunity agreement nor will you share if she is a target of your investigation.

Ms. Miller has done nothing wrong, however she would be waiving her 5th Amendment rights should she be a target of your investigation and participate in an interview with your office.

We need more information in order to advise our client.

We look forward to hearing from you.

Sincerely, Stefanie Lambert and Thomas Carroll

From: Federalattorney

<Federalattorney@protonmail.com>

Sent: Wednesday, May 4, 2022 9:40 AM

To: Rhoads, Doug <RhoadsD@co.delaware.pa.us>;
Tom Carroll <tom@thomasjcarrolllaw.com>
Subject: (EXTERNAL) Regina Miller

Dear Attorney Rhodes,

Thank you for your response. We are unable to provide advice to our client at this time due to lack of information.

As you know, it is common for prosecutors to discuss the target and scope of their investigations with counsel. You have indicated that you will not give Ms. Miller an immunity agreement nor will you share if she is a target of your investigation.

Ms. Miller has done nothing wrong, however she would be waiving her 5th Amendment rights should she be a target of your investigation and participate in an interview with your office.

We need more information in order to advise our client.

We look forward to hearing from you.

Sincerely,
Stefanie Lambert and Thomas Carroll

From: Federalattorney<Federalattorney@protonmail.com>
Date: On Wed, May 4, 2022 at 11:37 AM
Subject: Fwd: Regina Miller
To: Rhoads, Doug
<RhoadsD@co.delaware.pa.us>,
Tom Carroll <tom@thomasjcarrolllaw.com>
CC:

Dear Mr. Rhoads,

We do not agree that our client is not cooperative.

We are simply asking for some information regarding what you are investigating in order to answer her questions and advise her. Certainly you can understand why we are required to have these conversations with our client.

We would also to know if District Attorney Stollsteimer intends to recuse himself from this investigation due to conflict of interest.

Sincerely,

Stefanie Lambert and Thomas Carroll

Sent from ProtonMail for iOS

On Wed, May 4, 2022 at 11:28 AM, Rhoads, Doug <RhoadsD@co.delaware.pa.us> wrote:

Counsel:

Thank you for your response. I reiterate that the detectives will not agree to preconditions to interview your client. In light of your position, the investigation will proceed without the cooperation of your client.

Sincerely,

Douglas A. Rhoads
Deputy District Attorney
Office of the District Attorney
201 West Front Street
Media, PA 19063
rhoadsd@co.delaware.pa.us
(610) 891-4192 phone
(610) 566-1334 fax

From: Federalattorney<Federalattorney@protonmail.com>
Date: On Wed, May 4, 2022 at 2:44 PM
Subject: Fwd: Regina Miller

To: Rhoads, Doug
<RhoadsD@co.delaware.pa.us>,
Tom Carroll <tom@thomasjcarrolllaw.com>
CC:

Counsel:

We would like to state again that we simply need to have some information regarding the scope of your investigation in order to appropriately advise Ms. Miller regarding her constitutional rights.

We do not consider this standard request a “pre-condition.”

Please advise if your office has taken any steps of recusal based up conflict of interest with attorney Jack Stollsteimer.

Sincerely,
Stefanie Lambert and Thomas Carroll
Sent from ProtonMail for iOS

On Wed, May 4, 2022 at 11:28 AM, Rhoads, Doug
<RhoadsD@co.delaware.pa.us> wrote:

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Office of the District Attorney
201 West Front Street
Media, PA 19063

Reh.App.131a

rhoadsd@co.delaware.pa.us

(610) 891-4192 phone

(610) 566-1334 fax

**EXHIBIT I: LETTER DENYING OPEN
RECORDS REQUEST
(MAY 26, 2022)**

OFFICE OF THE DISTRICT ATTORNEY
DELAWARE COUNTY COURTHOUSE
MEDIA, PENNSYLVANIA 19063

Jack Stollsteimer
District Attorney

Jennifer A. Glackin
Assistant District Attorney
Phone (610) 891-4186
glackinj@co.delaware.pa.us

Thomas J. Carroll, Esq.
Stefanie Lambert, Esq.
224 King Street
Pottstown, PA 19464
federalattorney@protonmail.com

Re: Your Right to Know Request 34-2022

Dear Mr. Carroll & Ms. Lambert,

This letter acknowledges receipt by our office of your duplicative Right to Know Law Requests on Monday, May 23, 2022 and Tuesday, May 24, 2022. Since I received your requests on May 23, 2022, and May 24, 2022 a written response is due on or before Tuesday, May 31, 2022, and Wednesday, June 1, 2022. This letter is provided pursuant to that requirement. Copies of your requests are attached.

Our office is denying the request because it appears the information that you are seeking would

be included in the record of an agency relating to or resulting in a criminal investigation, including investigative materials, notes, correspondence, and reports. *See* 65 P.S. § 67.708(b)(16)(i) and (ii).

You have the right to challenge the denial of your request. In order to do so, you must file a written appeal within fifteen (15) business days of the mailing date of this letter. 65 P.S. 67.1101(a)(1). The appeal must include a copy of the RTKL request and agency's response, must state the grounds upon which the requester asserts that the record is a public record, legislative record or financial record, and must address any ground stated by the agency for delaying or denying the request. 65 P.S. 67.1101(a)(1). Your appeal is to be sent to:

Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234

Please note that this correspondence will serve to close your request with our office as permitted by law.

Very truly yours,

/s/ Jennifer A. Glackin
Open Records Officer



pennsylvania
OFFICE OF OPEN RECORDS

Standard Right-to-Know Law Request Form

Good communication is vital in the RTKL process. Complete this form thoroughly and retain a copy; it is required should an appeal be necessary. You have 15 business days to appeal after a request is denied or deemed denied.

Submitted to Agency Name: (Attn: AORO) Attn:

Jennifer Glackin,
Assistant DA-Open Records Officer

Date of Request: 05/21/2022

Submitted via: Email

Person making request:

Name: Thomas J. Carroll, Esq./
Stefanie L. Lambert, Esq.

Mailing Address: 224 King Street

City: Pottstown

State: PA

Zip: 19464

Email: federalattorney@protonmail.com

Telephone: (610) 419-6981

How do you prefer to be contacted if the agency has questions? Email

RECORDS REQUESTED: *Be clear and concise. Provide as much specific detail as possible, ideally including subject matter, time frame, and type of record*

or party names. Use additional sheets if necessary. RTKL requests should seek records, not ask questions. Requesters are not required to explain why the records are sought or the intended use of the records unless otherwise required by law

Please provide all files relating to any investigations related to the November 3, 2020 General Election, including but not limited to any and all correspondence, documents, audio recordings and videos.

DO YOU WANT COPIES?

Yes, electronic copies preferred if available

Yes, printed copies preferred

Do you want certified copies?

Yes (may be subject to additional costs)

RTKL requests may require payment or prepayment of fees. See the Official RTKL Fee Schedule for more details.

Please notify me if fees associated with this request will be more than \$100



pennsylvania
OFFICE OF OPEN RECORDS

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Jennifer Glackin,
Assistant DA-Open Records Officer

Date of Request: 05/21/2022

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Person making request:

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Stefanie L. Lambert, Esq.

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City: Pottstown

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--

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Yes, printed copies preferred

Do you want certified copies?

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Please provide all files relating to any investigations related to the November 3, 2020 General Election, including but not limited to any and all correspondence, documents, audio recordings and videos.
--

DO YOU WANT COPIES?

Yes, electronic copies preferred if available

Yes, printed copies preferred

Do you want certified copies?

Yes (may be subject to additional costs)

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pennsylvania
OFFICE OF OPEN RECORDS

Standard Right-to-Know Law Request Form

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Jennifer Glackin,
Assistant DA-Open Records Officer

Date of Request: 05/21/2022

Submitted via: Email

Person making request:

Name: Thomas J. Carroll, Esq./
Stefanie L. Lambert, Esq.

Mailing Address: 224 King Street

City: Pottstown

State: PA

Zip: 19464

Email: federalattorney@protonmail.com

Telephone: (610) 419-6981

How do you prefer to be contacted if the agency has question? Email

RECORDS REQUESTED: *Be clear and concise. Provide as much specific detail as possible, ideally including subject matter, time frame, and type of record*

or party names. Use additional sheets if necessary. RTKL requests should seek records, not ask questions. Requesters are not required to explain why the records are sought or the intended use of the records unless otherwise required by law

Please provide the complete file as it relates to the investigation pertaining to Record 21-2722, including but not limited to any and all correspondence, documents, audio recordings and videos.

DO YOU WANT COPIES?

Yes, electronic copies preferred if available

Yes, printed copies preferred

Do you want certified copies?

Yes (may be subject to additional costs)

RTKL requests may require payment or prepayment of fees. See the Official RTKL Fee Schedule for more details.

Please notify me if fees associated with this request will be more than \$100

EXHIBIT J:
URL REFERENCE TO VIDEO EVIDENCE

<https://rumble.com/v29th0i-scotus-22-503-reconsideration-sur-reply-exhibit-j.html>

EXHIBIT K:
URL REFERENCE TO VIDEO EVIDENCE

<https://cloud.patriot.online/s/GnpETzDcoJmSrby>

EXHIBIT L:
DELAWARE COUNTY BOARD OF ELECTIONS
LETTER REGARDING NOVEMBER 2020
ELECTION (NOVEMBER 18, 2020)

November 18, 2020

Delaware County Board of Election
201 West Front Street
Media PA, 19063

**Re: Report of the Delaware County Return
Board for the General Election, November 2020**

Dear Members of the Delaware County Board of
Elections:

Pursuant to the Post-Election General Recon-
ciliation Project dated November 2016 from the Com-
monwealth of Pennsylvania, the undersigned Delaware
County Return Board met from Friday, November 6
through Monday, November 16, 2020, from 8:30 AM
to 3:00 PM every day.

The Return Board consisted of 18 Tabulators,
including 9 Democrats and 9 Republicans. The below
report is a summary of our findings and recommend-
ations. Also attached is a spreadsheet that elaborates
on the specific tasks undertaken pursuant to 25 P.S.
§ 3154(b)(c)(d); 25 P.S. § 3031.17 and paragraph 10 of
the Directive Concerning the Use, Implementation
and Operation of the Electronic Voting Systems by
County Board of Elections, Election Code, 25 P.S.
§ 3031.17 et al., dated 6/09/2011.

All work was performed in teams of two (one
Republican and one Democrat) and all individual
work was signed off by team members that performed

the task(s). These documents have been organized for storage at the Voting Machine Warehouse for the statutorily required timeframe, except for the voted ballots used in the hand recount. These ballots were sealed in ballot bags and returned to Media by a member of Delaware County Sheriff's Department.

We met with the representatives of 202 Delaware County Precinct Election Boards to comply with the Election Code, from Friday November 13 through Monday November 16, 2020. The individual precinct representatives were most helpful in assisting in our efforts. It should be noted that a majority of the precinct Election Board members remarked that the training materials were often lacking in clear instruction as to the opening and closing of the polls and the preparation of the Return Sheets. The Return Board is available to discuss specific areas of concerns and will await the Board of Elections directions to assist the County in preparing appropriate training materials for the Election Board members going forward.

The Return Board wishes to acknowledge the guidance and help of the Voting Machine Warehouse Supervisor, Jim Savage, and his staff during the Return Board's daily work.

Initially, as part of our duties, we reviewed the list of voters (Yellow Book) and compared same to the County Public Count, Return Sheets, and noted the differentials. We determined that most inconsistencies in the Yellow Book numbers were human error, except for a small number of precincts and those precincts were referred to the Delaware County District Attorney.

As part of our interviews with the 202 precinct Election Board representatives, we discussed the unused

paper ballots, a majority of which, were available for our review. We noted on their Return Sheets any extra ballots that the precinct received during the day from the Bureau of Elections as well as those produced by the precinct Touch Writers. As part of the process, we analyzed ballots issued, the number of spoiled ballots, and the number of ballots cast. Finally, we insured that provisional ballots were not included in the scanner tallies or the Yellow Books.

We were able to reconcile the above numbers in a majority of the precincts that sent representatives to help assist the Return Board in its audits. It was determined that out of a total of 428 Delaware County precincts, we needed to meet with 220 individual precincts, the remainder of which were able to be reconciled with the provided/returned documentation. Of the 220 precincts, 94 precincts were Reconciled; 29 precincts had minor Discrepancies with Explanations and 79 precincts could not be Reconciled. Additionally, 18 precincts did not respond to the County's multiple emails and phone calls, requesting their cooperation during the four days that we designated as interview dates (November 13, 14, 15, and 16).

It is important to note that there was no indication of fraud in the data or during the interviews throughout our assignment. We point out that each and every Unreconciled or Discrepancies with Explanation Return Sheets were the result of training issues. The election workers were consistent in wanting "to do it right", but did not know how. It is assumed that these training issues have been noted and will be corrected going forward.

Next, as part of our duties, we reviewed the Return Sheets from the 220 precincts identified as needing

additional information and noted the missing scanner tapes. In those precincts where the tapes were missing, it can be explained by lack of training, lack of properly attaching them to the Return Sheets, human error, or a lack of Return Sheets in the precinct Election Officers' "White Box."

The Return Board recommends that the County eliminate the combination of scanners that permitted voters to submit marked ballots into any scanner at voting locations where there were two or more precincts. The precinct Election Boards did not know how to correctly co-mingle the final scanner print outs from multiple precincts, hence the inability to reconcile unused ballots or had no information in the Audit section on the Return Sheets. Attempts were undertaken to help the precinct Election Boards, during the interviews, to calculate the final scanner numbers for the Return Sheets and we were successful in a majority of the questioned precincts. The scanner printout numbers were compared to the removable storage media used by the County to count votes cast at each precinct and were found to be Reconciled.

Finally, the Return Board undertook a statistical hand recount of ballots from a number of randomly selected precincts that totaled over 2,300 ballots cast. This count was done by hand and compared to the electronic tabulation numbers generated by the County V-drives from the scanners. The hand count tabulation was consistent with the votes reported from the machines by the County.

The Return Board would like to thank the County Board of Elections for the trust that you have given us to perform this important Post-Election General Reconciliation Audit. We stand ready to assist you

again in Spring 2021 Primary and if any of our analysis or recommendation needs further explanation, please contact us if necessary.

Conclusion/ Recommendations

1. The Election Day Guide, the. Alphabetized envelopes and the Return Sheets must be redone with the assistance of experienced Judges of Elections (JOE).

2. Training for opening, closing and preparing Return Sheets.

3. Eliminate co-mingling of scanners in locations with multiple precincts.

4. Better efforts made to ensure JOE's can contact the Bureau of Elections during the day. JOE's had multiple questions that could have been solved but were unable to contact anyone.

5. Completely revise the Poll Workers' Election Day Guide.

6. Revise Return Sheets at the bottom - "Audit" - need to include:

A. Extra ballots printed on Touch Writers.

B. Extra ballots received on election day from the Bureau of Elections.

7. Better explanation of the purpose of the "List of Voters" and the need for accuracy. Errors were noted throughout, as well as cross-outs and voters signing the book versus poll worker (the Clerk).

8. Return sheets need to be distributed in the "White Box."

9. The White Boxes must be left in-tack for Return Board review when questions arise.

10. Unused ballots must be returned in the box that they were delivered in and placed in the sealed cages delivered to the Voting Machine Warehouse.

11. Precinct Election Boards must count unused ballots after the polls close, not back the numbers in by subtracting the voted and spoiled ballots from the total received.

12. Precinct Election Boards complained that precinct property owners/supervisors would not open the buildings/polling locations to poll workers until 6 AM. It takes over 1 hour and 15 minutes to set up one precinct and some Judges had 2 precincts.

13. Need a short and specific checklist for the closing of polls from 8 PM to dropping materials off at the County Government locations.

14. The Security Seals that are required to be installed after polls are closed, need specific instructions as to their placement.

15. Specific Provisional Ballot video training would help.

16. The online training quiz needs to explain why the answer by the poll worker was determined to be incorrect. "What is the right answer/proper procedure?"

17. The precinct Election Boards have requested hands-on training on how to produce required reports from scanners and Touch Writers.

18. The human errors can be greatly eliminated by additional training and revising the Return Sheets /Alphabetical envelopes and the Election Day Guide.

Return Board Members

_____ Karen Reeves
_____ Donna Rode
_____ Norma Locke
_____ Jennifer Booker
_____ Jean Davidson
_____ S. J. Dennis
_____ Marilyn Heider
_____ Tom Gallagher
_____ Louis Govinden
_____ Doug Degenhardt
_____ Mary Jo Headley
_____ Jennifer Booker
_____ Kenneth Haughton
_____ James A. Ziegelhoffer
_____ Regina Scheerer
_____ Cathy Craddock
_____ Maureen T. Moore
_____ Pasquale Cipolloni
_____ Gretchen Bell

Reviewed in person or via e-mail by each Return Board Member. Permission was granted to add their initials as approval of the content, in lieu of in-person signing.

**PLAINTIFFS MOTION FOR
RECONSIDERATION, FILED IN THE
DELAWARE COUNTY COURT OF COMMON
PLEAS, PENNSYLVANIA (DISMISSED BY
COURT WITHOUT HEARING)
(FEBRUARY 11, 2023)**

IN THE COMMONWEALTH COURT OF
HARRISBURG, PENNSYLVANIA
CIVIL DIVISION

LEAH HOOPES, and GREGORY STENSTROM,

Plaintiffs,

v.

FORMER SECRETARY OF STATE
KATHY BOOCKVAR, in Her Official and
Individual Capacity, ET AL.,

Defendants.

CIVIL LAW

RE: Appeal No. 876 C.D. 2022

CV-2022-000032

Court of Common Pleas of Delaware County

**Plaintiffs Leah Hoopes and Gregory Stenstrom
Motion for Reconsideration**

1. The Commonwealth Court of Harrisburg has quashed appellants Hoopes and Stenstrom subject appeal for a procedural error amounting to not including the Common Pleas Judge (Judge Whelan) within the text of the Proof of Service, despite said judge having received electronic service via efile, and obvious de facto, physical receipt of service, given he subsequently submitted an amended opinion, against the Rules of Civil and Appellate Procedure, six months after his July 2022 order, and five months after receiving timely August 2022 Notice of Appeal from appellants. Appellants seek reconsideration of the Commonwealth Court's order to quash on the grounds that service was, in fact, made.

2. Appellants were notified via USPS mail on October 25th, 2022, that they had not filed Proof of Service by the Commonwealth Court of Harrisburg Prothonotary without specification of the specific textual deficiency, despite the October 20th, 2022, annotation in Commonwealth docket of "*Document Name: DEFECT: Proof of service, identify party/atty., service on tc judge and ct. reporter, Comment: request for transcript, cert. of compliance*" (sic).

3. Appellants immediately contacted the Prothonotary office upon this first receipt of notice of deficiency, submitting a letter and copies of the Common Pleas docket on November 4th, 2022, showing that Proof of Service, Certificate of Compliance, and Verification, had been submitted, and further that there had been no hearings, no transcripts, and no court reporter. Neither the Prothonotary clerk(s), nor

appellants were aware of the specific deficiency that the appellants notice did not specify in the text of their Proof of Service, that Judge Whelan had been served, other than the Commonwealth Court did not have a copy of the Proof of Service, which was clearly in the Common Pleas Court of Delaware County docket. The Court of Common Pleas of Delaware County local rules and efile system rules state that all parties (including judges) who consent to efile are electronically served when a filing is submitted. The Prothonotary clerk simply explained that the Commonwealth Court did not have access to the lower court Common Pleas electronic docket and had not yet received the docket transmittal.

4. Appellants were again notified via USPS on November 26th, 2022, that the Commonwealth Court had not received Proof of Service, with a Per Curiam order that the case would be dismissed if the Proof of Service was not submitted. Petitioners Stenstrom and Hoopes, again called the Commonwealth Court Prothonotary's office, were again simply informed the Proof of Service had not been received without further explanation of the specific deficiency that they had not included text that Judge Whelan had been electronically served, and Petitioners responded by sending cover letter and a copy of the Proof of Service via certified mail on December 6th, 2022, which was entered on December 7th, 2022. (See Exhibit A (page 9 through 18 herein)).

5. During the interim between the Commonwealth Court's first notice of deficiency and second notice, Judge Whelan submitted an amended (prepending) six-page opinion, to which Appellants Hoopes and Stenstrom (properly) objected, and filed a motion to

strike the post notice of appeal opinion, and further alleged that Judge Whelan had cut and paste Office of Judicial Support official timestamps to make it appear that the opinion had been properly and timely filed in July 2022 versus December 1st, 2022, and that the docket transmittal from the Common Pleas Court to the Commonwealth Court was incomplete, to further obscure the improper amendment of Judge Whelan's opinion. (*See Exhibit B (pages 19 through 85 herein)*).

6. Two months passed, without response by either Judge Whelan to appellants allegations of his judicial misconduct, or remark or response from the Commonwealth Court regarding the "deficiency," until the January 31st, 2023, order to quash by the Commonwealth Court. Less than 24 hours later, Judge Whelan (finally) responded to appellants motion to strike with his February 1st, 2023, order to dismiss the motion, and allegations of his misconduct, with prejudice, stating he did not juris because the case was within the juris of the Commonwealth Court in the appellate trajectory. (*See Exhibit C (page 86-87)*).

7. The timing and sequence of events could not escape the deductive capabilities of a child as potentially coordinated, and convenient to both the Commonwealth and Common Pleas courts in ensuring both the appeal of the subject case of the most outrageous election fraud that included 98 exhibits of whistleblower video, audio and documentation of massive fraud, and the allegations of the judicial misconduct of Judge Whelan would never be heard in any court.

8. Having initially filed timely Notice of Appeal, Pro Se, from a first "Final Order" of the Delaware County Common Pleas Court, Petitioners Gregory Stenstrom and Leah Hoopes, provided Notice of

Appearance, Pro Se, before the Commonwealth Court of Harrisburg, Pennsylvania, having elicited a (second) “One Final Order” from the Common Pleas, ordered September 14th, 2022, and entered September 16th, 2022, specifically stating that all matters of controversy before that Court have been adjudicated.

9. Petitioners were previously co-Plaintiffs with Ruth Moton in the subject Civil Action CV-2022-000032, and had terminated their attorneys in that case, and having filed their notice as Pro Se appellants on October 11th, 2022, were expecting the Commonwealth Court to accept their appearance in accordance with Rules of Civil Procedure, and notice by their previous attorneys to the Common Pleas Court that they had withdrawn, and efile capability within the Commonwealth Court PACfile system—none of which happened. Petitioners Stenstrom and Hoopes called the Commonwealth Court Prothonotary for instructions as to when the Commonwealth Court would accept their appearance and include them in the electronic PACfile efile service, or be served via US mail, as to their status, and ability to have some surface area to interact and file with the court. They were informed that they would receive a schedule and efile access at some undefined time in the future.

10. Having not received any notice or efile access by October 16th, 2022, when the appeal could potentially be dismissed for laches, Appellants Stenstrom and Hoopes, in an abundance of caution, and reasonable suspicion that their appeal might be denied on procedural ground based on all previous interactions with the courts, they filed their entire Pro Se Appellant brief to the Commonwealth Court via certified mail 60-days after their notice of appeal,

which (finally) elicited the first notice of deficiency response from the Commonwealth Court that it was not in receipt of the Proof of Service, and that their filing was rejected as not yet being required, or scheduled by the Court.

11. Appellants Stenstrom and Hoopes only received their letters with PACfile access codes from the Commonwealth Court in early January 2023, AFTER months of struggling on numerous occasions with the Prothonotary voicemail system, with return responses measured in days, and uncertified USPS letters that lagged up to a week from the time a docket entry was made.

12. Upon receiving notice that the Commonwealth Court had quashed their appeal, Appellants Stenstrom and Hoopes immediately called the Prothonotary office and after approximately 30 minutes trying to get an explanation as to why the Proof of Service was deficient, and comparing it line-by-line to the Proof of Service that their former attorney, Tom Carroll, had filed on behalf of Ruth Moton for the same subject case, the clerk finally announced “ahh . . . you didn’t include a notation that you had served Judge Whelan in your Proof of Service.”

13. And so, here we are, over a year since the subject case CV-2022-000032 was finally docketed after Petitioners Stenstrom and Hoopes initially attempted to file it Pro Se on October 18th, 2021, and had to retain counsel because the Common Pleas Court of Delaware County REFUSED to allow the 98 Exhibits to be filed, even at one point closing the office of judicial support to their attorney, and refusing electronic upload, CD, or USB drives until the first week of January, 2023. The Court of Common Pleas then

refused to assign a judge to the case until June 22nd, 2022, finally assigning Judge Whelan, who almost immediately dismissed the case as “moot” in a page and a half order stating the 2020 election was “over” and ignoring the outrageous misconduct and criminal acts of Delaware County elected officials, attorneys, solicitors, and appointed officials wantonly admitting to election fraud and captured on video destroying election records required to be maintained by federal and state law. Judge Whelan refused to allow requested evidentiary hearing, discovery, oral arguments, and refused to rule on Plaintiff’s motions in response to Defendant’s demands for sanctions. Most outrageously, Judge Whelan refused to address a Sur Reply with documented allegations of misconduct, false public statements and criminal actions of Delaware County District Attorney Stollsteimer, who issued a false public proclamation that he had conducted a formal investigation of the evidence, including forensic examination of the videos, and declared them a “fiction.” Pennsylvania Attorney General Shapiro, now Governor, publicly declared Plaintiff’s Stenstrom and Hoopes liars, and there evidence and cases “the Big Lie” without conducting a single investigation or hearing. US Attorney General Barr quashed US Attorney William McSwain’s proposed investigation of this same evidence, calling it “all bullshit” in his recent autobiography.

14. Who then, are Appellants Stenstrom and Hoopes to go to for justice or hearing of their case and evidence of massive election fraud? The District Attorney (soon to be Attorney General)? The Attorney General, now Governor? The US Attorney or US Attorney General? The Courts—any Court—from

Common Pleas to the US Supreme Court, and every court in between, who have all refused to hear the case or shown even reasonable curiosity to have a single evidentiary hearing or oral arguments?

15. The error cited by the Commonwealth Court amounts to a clerical error, and not a material one. Judge Whelan was absolutely served, not only as provided by local rules regarding efile service, but also by his own actions in trying to curate his ill-considered order by prepending an opinion post notice of appeal with purposefully forged timestamps, and squirming out of responding to Petitioners motion to strike using the cloak of lack of juris, despite not having that concern when he curated his order, and transmitted an incomplete docket to the Commonwealth Court. It is a similar gross misuse of judicial discretion for the Commonwealth Court to leave this outrageous abuse by the lower court unaddressed, while quashing a Pro Se case for a picayune omission of “*Judge Whelan was electronically served in accordance with Delaware County Court of Common Pleas local rules and efile rules*” from the content of the Proof of Service. Given that Judge Whelan, himself, effectively quashed the case at the Common Pleas level, and denied any hearings, there is no transcript, or court recorder to notify.

16. Appellants Stenstrom and Hoopes have been forced to represent themselves Pro Se, without benefit of any guidance from licensed attorneys, all of whom have presumably received the same message from the courts, judges, and justice agencies that to have the temerity to do so would bring down a similar rain of denials, sanctions, fines and public drubbing, and

refusal to hear the evidence and cases of massive election fraud in Delaware County, Pennsylvania.

17. The right of citizens to file Pro Se and be heard in a Court—of which they are sovereigns—is sacred to the Constitution and every body of law since this nation’s founding. To deny that right over a clerical error is not just a gross abuse of judicial discretion, it is disgusting. Appellants Stenstrom and Hoopes hope that the Commonwealth Court will reconsider its order to quash.

/s/ Leah Hoopes
241 Sulky Way
Chadds Ford, PA 19317
leahfreedelcopa@protonmail.com

/s/ Gregory Stenstrom
1541 Farmers Lane
Glen Mills, PA 19342
gstenstrom@xmail.net

Dated: 11 FEB 2023

**REQUEST / MOTION FOR
RECONSIDERATION
(FEBRUARY 11, 2023)**

IN THE DELAWARE COUNTY COURT OF
COMMON PLEAS, PENNSYLVANIA

LEAH HOOPEs, and
GREGORY STENSTROM, *PRO SE*,

Petitioners,

v.

FORMER SECRETARY OF STATE
KATHY BOOCKVAR, DELAWARE COUNTY,
and, DELAWARE COUNTY BOARD OF
ELECTIONS, ET AL.,

Respondents.

No. CV-2022-000032

CIVIL ACTION, ELECTION LAW

Oral Arguments Requested

Discovery Requested

Evidentiary Hearing Requested

Jury Trial Requested

REQUEST / MOTION FOR RECONSIDERATION

1. Judge Whelan's February 1st, 2023, order to dismiss, with prejudice, Plaintiffs' motion to strike his curated opinion regarding the subject case, which was

a violation of Pennsylvania statutory civil law and Appellate rules of procedure, aggravated by a reasonably derived perception of intent to deceive the Appellate Court(s) with deceptive digitally altered amendments to timestamps, states that he does not have juris to strike because the appellate case “has not yet been determined.”

2. Judge Whelan’s order refers to the very same Pennsylvania statutory civil law and Appellate rules of procedure he ignored in the first place, by curating his opinion on December 1st, 2022, five months after Plaintiffs’ notice of appeal, and an incongruence of convenience in choosing when to follow, or not follow, cited laws and rules.

3. Judge Whelan’s subject order to dismiss Plaintiffs’ motion to strike was filed less than 24 hours after the appellate Commonwealth Court filed a January 31st, 2023, order to quash Plaintiffs’ appeal for a clerical omission of proof of service to Judge Whelan, despite the material evidence that he was, in fact, served, being his own curation of his July 8th, 2022 order with a prepended December 1st, 2022 opinion, and (incomplete) docket transmittal to the Commonwealth Court in response to Plaintiffs’ notice of appeal.

4. Given Judge Whelan’s apparent mercurial choices of when he does, and does not, have juris to enter an amended order or opinion during the appellate process, it was reasonable for Plaintiffs to submit a motion to strike his (own) amended (prepended) and curated opinion, and correct the official record, docket, as the most efficacious and expedient remedy prior to the Commonwealth Court considering the appellate case.

5. Plaintiffs have filed for reconsideration with the appellate Commonwealth Court to reverse their order to quash (*see* Exhibit A (pages 6-96 herein)), and included their motion to strike Judge Whelan's post notice of appeal curated opinion as one element of evidence that Judge Whelan was materially and electronically served proper notice.

6. Plaintiffs have not given any indication that they will be administratively or procedurally deterred in the subject case, or their previous related CV-2020-007523 case, or current CV-2022-008091 case which has been languishing for almost three months awaiting a judge to be assigned, following the pattern of the subject CV-2022-000032 case which was similarly left to idle for six months. Plaintiffs will deliberately and resolutely press forward through the courts, the State Legislature, the Congress, and as otherwise allowed by the Constitution until their cases and evidence are ultimately heard.

7. Filing two related cases for the 2020 election and one for the 2022 general election within the juris of Delaware County, Pennsylvania, with hard physical evidence of election law violations and election fraud by public officials, that includes video, audio, photographs, whistleblower and eyewitness testimony, affidavits, emails, texts, documentation, public records, official reports, government databases, USPS records, evidence of spoliation, and the inability of the Board of Elections to account for election records or reconcile thousands of votes, is neither frivolous or vexatious.

8. With each refusal by the courts, law enforcement, and justice agencies to investigate, or allow a hearing, discovery, and trial; and each dismissal by a judge without opinion, arbitrary procedural rulings,

and continued demonstration of contempt for the citizenry by a cliquish esquire and judicial class, the public perception shifts and solidifies that our government and courts are recalcitrant enablers, if not active participants, in election fraud, and no longer dutiful arbiters.

9. Reconsideration, and striking of the subject curated opinion would be no more a breach of juris and judicial discretion than the originating offense of unlawfully curating the record to being with. It would also be a culling of what is otherwise a procedural distraction to the Plaintiffs' legitimate, underlying cases, the evidence, and appellate process.

Respectfully submitted,

/s/ Leah Hoopes

Date: 11FEB2023

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leahfreedelcopa@protonmail.com

/s/ Gregory Stenstrom

Date: 11FEB2023

1541 Farmers Lane

Glen Mills, PA 19342

gstenstrom@xmail.net

ORDER

Whereas the amended order by this Court entered on December 1st, 2022, was made subsequent to the notice of appeal,

Now, on this ____ day of _____, 202 ____, the amended order will be rescinded and stricken from the docket; the original order(s), and opinion of July 8th, 2022 be restored, as is, as the sole opinion for transmittal and consideration for the Appellate Commonwealth Court and other Appellate Courts of Further Remedy thereafter; that the case be restored to its lawful form in compliance with Pennsylvania Rules of Civil Procedure; that the noncompliant transmittal of proceedings be rescinded; and the correct record be restored and re-transmitted in its place.

By The Court

VERIFICATION

We, Leah Hoopes and Gregory Stenstrom, hereby verify the statements made in the foregoing pleadings are true and correct to the best of our knowledge, information, and belief. The undersigned understand that the statements therein are made subject to the penalties of 18 Pa. C.S. section 4904 relating to unsworn falsification to authorities.

Respectfully submitted,

/s/ Leah Hoopes

Date: 11FEB2023

241 Sulky Way

Chadds Ford, PA 19317

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/s/ Gregory Stenstrom

Date: 11FEB2023

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**EXHIBIT A: ORDER OF COMMONWEALTH
COURT OF PENNSYLVANIA
(AUGUST 14, 2022)**

IN THE COMMONWEALTH COURT OF
PENNSYLVANIA

LEAH HOOPES and GREGORY STENSTROM,

Appellants,

v.

FORMER SECRETARY OF STATE
KATHY BOOCKVAR, in Her Official and
Individual Capacity, ET AL.,

No. 876 C.D. 2022

PER CURIAM ORDER

NOW, November 22, 2022, upon review, it appears that Appellants, Leah Hoopes and Gregory Stenstrom, have partially complied with the Court's Defect Correction Notice dated October 20, 2022. However, Appellants have still failed to file a Proof of Service, with this Court, for their Notice of Appeal, as required by Rules 121, 122 and 906 of the Pennsylvania Rules of Appellate Procedure (Pa.R.A.P.). *See* Pa.R.A.P.121, 122 and 906. A Proof of Service must be filed with this Court showing service of the Notice of Appeal on all other parties or their counsel, the trial court judge and the official trial court reporter (regardless of whether a

transcript of the proceedings was made). The Proof of Service must include the names of all those served, the manner of service and the address used for service on each, including the names of those who received service via the Court of Common Pleas Electronic Case Filing system.

Appellants shall file the Proof of Service with this Court no later than December 6, 2022, or this appeal will be dismissed as a matter of course.

Lack of compliance with the Rules of Appellate Procedure has caused a delay in the processing of this case by the Prothonotary, including sending out notices of this appeal to the Court of Common Pleas of Delaware County that, in turn, has caused a delay in receiving the trial court record. Due to the lack of a perfected appeal and the lack of a trial court record, the Prothonotary has not yet been able to issue a briefing schedule. Accordingly, the “Appellate Brief of Appellants” submitted on or about October 17, 2022, is stricken as premature and unauthorized.

CERTIFICATE OF SERVICE

SELF REPRESENTATION (PRO SE)

Leah Hoopes

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IN THE DELAWARE COUNTY COURT OF
COMMON PLEAS, PENNSYLVANIA

No. CV-2022-000032

CIVIL ACTION, ELECTION LAW

LEAH HOOPES, and
GREGORY STENSTROM, *PRO SE*,

Plaintiffs,

v.

FORMER SECRETARY OF STATE
KATHY BOOCKVAR ET AL.,

Defendants.

Certificate of Service

Petitioners (Plaintiffs) certify that on August
14th, 2022 Petitioners caused Plaintiffs to file Notice

of Appeal to be served on the following via U.S. Mail
and/or the Court's electronic notification system.

Attorney for Defendant
Office of the Attorney General
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(215)560-2940

Attorney for Defendant
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Attorney for Plaintiff
Thomas J Carroll ID # 52398
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Pottstown, PA 19464

Attorney for Defendant
Edward D Rogers # 69337
Ballard Spahr
1735 Market Street 51st floor
Philadelphia PA 19103-7599

Dated: August 14th 2022

/S/ Leah Hoopes and Gregory Stenstrom

Filed 08/15/2022 10:08 AM

NOTICE OF APPEAL

IN THE COMMONWEALTH COURT OF
HARRISBURG, PENNSYLVANIA
CIVIL DIVISION

LEAH HOOPES, GREGORY STENSTROM,

Plaintiffs,

v.

FORMER SECRETARY OF STATE
KATHY BOOCKVAR, in Her Official and
Individual Capacity, ET AL.,

Defendants.

CIVIL LAW

RE: CV-2022-000032

NOTICE OF APPEAL

Notice is hereby given that Petitioners Gregory Stenstrom and Leah Hoopes, both Pro Se, hereby appeal to The Commonwealth Court from the judgment in this action and from the final order of this Court for CV-2022-000032, entered on the 15th day of July, 2022, denying Petitioner's complaint and motions for declaratory, injunctive, mandamus, quo warranto, and any and all other legal remedies available pursuant to law, and other relief, from multiple civil and criminal violations committed by named public officials to perpetrate election fraud.

/s/ Leah Hoopes

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/s/ Gregory Stenstrom

Date: 14AUG2022
1541 Farmers Lane
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CERTIFICATE OF SERVICE

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IN THE DELAWARE COUNTY COURT OF
COMMON PLEAS, PENNSYLVANIA
No. CV-2022-000032
CIVIL ACTION, ELECTION LAW

LEAH HOOPES, and
GREGORY STENSTROM, *PRO SE*, *Plaintiffs*,
v.

FORMER SECRETARY OF STATE
KATHY BOOCKVAR ET AL., *Defendants.*

Certificate of Service

Petitioners (Plaintiffs) certify that on December 15th, 2022 Petitioners caused Plaintiffs Motion to Strike Post Notice of Appeal to be served on the following via U.S. Mail and/or the Court's electronic notification system.

Attorney for Defendant
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Philadelphia PA, 19103
(215)560-2940

Attorney for Defendant
Elizabeth V. Wingfield #324277
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Attorney for Defendant
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**EXHIBIT B: MOTION FOR POST NOTICE OF
APPEAL AMENDED OPINION BE STRICKEN,
AND CURATED DOCKET BE RESTORED AND
RETRANSMITTED TO APPELLATE COURT
(DECEMBER 15, 2022)**

IN THE DELAWARE COUNTY COURT OF
COMMON PLEAS, PENNSYLVANIA

LEAH HOOPES and
GREGORY STENSTROM, *PRO SE*,

Petitioners,

v.

FORMER SECRETARY OF STATE
KATHY BOOCKVAR, DELAWARE COUNTY,
and, DELAWARE COUNTY BOARD OF
ELECTIONS, ET AL.,

Respondents.

No.: CV-2022-000032

CIVIL ACTION, ELECTION LAW
Motion That Post Notice of Appeal
Amended Opinion Be Stricken
Discovery Requested
Evidentiary Hearing Requested
Jury Trial Requested

**MOTION FOR POST NOTICE OF APPEAL
AMENDED OPINION BE STRICKEN, AND
CURATED DOCKET BE RESTORED AND
RETRANSMITTED TO APPELLATE COURT**

[. . .]

10. Delaware County Court of Common Pleas Judge John J. Whelan violated Pennsylvania statutory civil law and Appellate rules of procedure, aggravated by a reasonably derived perception of intent to deceive the Appellate Court(s) with curated and deceptive digitally altered amendments to timestamps included in the original Opinion docketed on July 15, 2022. The Common Pleas Court further violated the law with an incomplete transmission of the docket that is non-compliant with Rule 905(b) requirements, with intent to further obfuscate filing timelines, and spoliage the true record. These curations are not “mere” administrative negligence, or folly, but clear violations of law, document tampering, and an abuse of judicial discretion in furtherance of maintaining the false narrative of “the safest and most secure election in history,” and violations of citizen Plaintiffs’ civil rights.

11. The alleged curation of the Opinion(s) and docket are an apparent attempt to curate and mitigate the Court’s inexplicable dismissal of the most egregious election law violations ever caught on video and audio, including the wanton criminal fabrication, destruction and alteration of election materials and evidence, in violation of federal and state felony statutes, that impacted the outcome of the November 2020 General Election, and tortiously interferes with Plaintiffs’ current appeal before the Commonwealth Court of Pennsylvania (docket CD 876) and US Supreme Court case (docket 22-503), which cites the

subject Delaware County Common Pleas Court case *Moton, Stenstrom and Hoopes v Former Secretary of State Cathy Boockvar, et al* (CV-2022-000032) as it relates to the wanton civil spoliation of evidence, election law violations, and criminally codified actions of massive election fraud in the underpinning, original case of Petitioners and Intervenors *Stenstrom and Hoopes in regard to Delaware County Republican Executive Committee v Board of Elections* (CV-2022-007523).

12. Plaintiffs gave timely notice of appeal and proper certificate of service on August 14th, 2022, to the Delaware County Court of Common Pleas (see supporting Exhibits 8 and 9), to appeal Judge Whelan's order for dismissal with prejudice of the subject case for "mootness" on July 8th, 2022, (Exhibit 3) dated for July 8th, 2022, and filed on July 15th, 2022. Judge Whelan dismissed both Secretary of State Boockvar's, and Defendants' motions for sanctions, without prejudice, also signed on July 8th, and docketed on July 15th, 2022. (See Exhibits 1 and 2).

13. Judge Whelan curated his order and opinion filed on July 15th, 2022 regarding his dismissal of Plaintiffs' petition with prejudice, pre-pending six (6) additional undated pages with no Judicial Support timestamp on those prepended pages, first filed on November 21st, 2022 without notice (Exhibit 4), and then filing a second amended opinion on December 1st, 2022 (Exhibit 5), 109 days after Plaintiffs' timely notice of appeal, 140 days after filing his first opinion filed with notice, and a full 146 days after his initial (alleged) hand dated order of dismissal was filed without notice.

To further clarify, the first post notice of appeal, undated, amended opinion (Exhibit 4) appends as an attachment to Judge Whelan's original dated order and opinion and dismissal of Plaintiffs' petition with prejudice as "Attachment A," prepending his curated opinion to said attachment with no date, entering it without notice of said amendment, and with timestamp of a partially obscured, but readable date of November 21st, 2022 (11-21-2022) that is inexplicably hidden under a digitally cut and pasted date of July 15th timestamp of the original opinion and entered into the docket on November 21st, 2022, without notice.

15 The second, post notice of appeal, undated, amended opinion (Exhibit 5) appends as an attachment to Judge Whelan's original dated order and opinion and dismissal of Plaintiffs' petition with prejudice as "Attachment A," prepending his curated opinion to said attachment with no date, entering it with notice of said amendment, and with timestamp of a fully obscured, and unreadable date of November 21st, 2022 (11-21-2022) that is again inexplicably under a digitally cut and pasted date of July 15th timestamp of the original opinion, and entered into the docket on December 1st, 2022, with notice.

16. In both cases, the appended "Attachment A" is represented as, and supposedly identical, being exact matches, with the only difference being the 12-01-2022 vertical timestamp on the December 1st, 2022, filing at the bottom center of the page. However, as seen in Exhibit 6, there is a difference in positions of the digitally cut and pasted earlier 07-15-2022 timestamp that is overlayed on top of the later 11-21-2022 timestamps on the bottom right of the last page. Aside from the fact that it would be impossible for an

official timestamped document to have an earlier date overlaying a later date, the timestamps are vertically out of register, which is further evidence that it is a digitally altered (spoliated) document.

17. Exhibit 7 provides enlargements of each one of the timestamps on the 11-21-2022 and 12-01-2022 post notice of appeal, amended opinions (Exhibits 4, 5, and 6), that clearly show the documents have used digital cutting, pasting, and enhancement of the 07-15-2022 timestamp on the original order and opinion dated by hand for July 8th, 2022. The notable difference of the 11-21-2022 and 12-01-2022 amended opinion being that the final product that will be considered by the appellate courts (currently being the Commonwealth Court of Pennsylvania (CD 876) and the US Supreme Court (22-503), and other prospective future judicial reviews, is what appears to be a unified Opinion dated 07-15-2022. The attempt to misrepresent a post notice of appeal amended opinion as an original, timely PRE-Notice of Appeal Opinion, and an attempt to deceive, and document tampering of a Court docket, is a more than reasonable conclusion.

18. The handwritten transmittal date of November 15th on the transmittal record of the Common Pleas docket as required by Pennsylvania Rules of Civil Procedure and ordered (implied or actual) by the Commonwealth Court of Appeals, is stamped by the Judicial Support time stamp of “12-01-2022 @03:23 PM,” that references Judge Whelan’s curated “new” opinion that was filed without Notice on November 21st, which were all simultaneously entered together on December 1st, 2022, this time with notice, but without certificate of service, and then not actually served to Plaintiffs until December 5th, 2022, denying

Plaintiffs the full 20 days allowed by Civil Rules of Procedure depending on whether the Court(s) interpret the laches clock for this motion commencing on November 15th, November 21st, December 1st, or December 5th, 2022.

18. The above paragraphs are as concise and clear as the PRO SE Plaintiffs could make them, and if jurist and layperson readers of this Motion remain confused by the acts of the Common Pleas Court, and Judge Whelan specifically, in curating the docket and document tampering of timestamps, then the entire point of this motion is made.

19. To an unsuspecting, trusting, or inattentive appellate Prothonotary or appellate Judge, and almost certainly to any jurist or citizen layperson trying to follow the case, the separate Opinions appear as a single unified opinion, which Plaintiffs allege was the manufactured, malicious intent.

20. Given that Judge Whelan's initial Opinion was that Plaintiffs petition was untimely, subject to laches, and "moot" because "the election was two years ago," despite the fact that all lackadaisical and whimsical delays in hearings since the initial, originating case of Petitioners and Intervenor *Stenstrom and Hoopes in regard to Delaware County Republican Executive Committee v Board of Elections* (CV-2020-007523) filed two years ago in December 22, 2020 as a civil action, was at the sole discretion of the Courts of First Remedy and Appellate Courts, this most current curation of the docket and true record can only be perceived as malfeasance. The subject *Moton, Stenstrom and Hoopes v Former Secretary of State Boockvar* (CV-2022-000032) case (now CD 876 in the Commonwealth Court), that was dismissed as "moot"

by Judge Whelan was filed because the original Defendant Board of Elections had been caught in the act of blatant spoliation, destruction and alteration of evidence and election materials protected by federal law and Petitioners Stenstrom and Hoopes formal litigation hold notice, related to the initial action.

22. Plaintiffs cannot fail to note the intertwine-ment of these cases, and their respective Common Pleas Court Judges, John P Capuzzi (CV-2020-007523) and John J. Whelan (CV-2022-000032, in these, and other related cases regarding election law violations, election fraud, and corruption of public officials, as motivation to dismiss cases without evidentiary hearings, oral arguments, or even basic judicial curiosity to consider the hard physical evidence that includes an overwhelming mountain of documents, emails, videos, audio, affidavits and testimony that supports Plaintiffs' allegations of massive election fraud in Delaware County.

23. Plaintiffs cannot reconcile these collective attempts to forge and misrepresent the actual timelines to the Appellate Court as anything but unethical, if not criminal attempts, to curate a docket that transcends "judicial discretion." They were meant to obfuscate a sitting Judge's efforts to reach back into the past and curate a litany of judicial errors and abuses that will be exposed to the Appellate Courts, including the US Supreme Court, and to a public citizenry that has a keen and growing interest in the mounting evidence of election fraud at the county, state and national levels.

24. It is within this context, that Plaintiffs allege document tampering, docket curation, and tortious interference with other cases in the appellate trajectory.

Indeed, as mentioned in the previous paragraphs and elsewhere herein, should the US Supreme Court decide to hear Plaintiffs case currently docketed as 22-503 by the December 30th, 2022, response due date, then the subject case, and related case's dockets will all be subject to be ordered for transmittal to the scrutiny and crucible of this nation's highest Court.

Citations of Applicable Pennsylvania Rules of Civil Procedure

25. Appellate Courts in many cases rely on the transmitted record from lower trial courts of first remedy, and must trust that those lower Courts will not curate records to confound the record and trajectory of the cases for which Appellees seek relief. The Appellate Courts specifically put the most weight on the Judges opinions in the lower trial courts, and historically pay particular attention to cases where oral arguments, evidentiary hearings, discovery and trials were denied, and where transcripts are collaterally absent. There can be no better motive for a lower court trial Judge to curate and amend orders and opinions post notice of appeal.

26. Hence, Pennsylvania Rules of Civil Procedure regarding "Jurisdiction of District Court Pending Appeal." states

"As a general rule, an appeal divests the district court of power to modify its judgment or take other action affecting the cause without permission from the court of appeals, except insofar as a statute or rule expressly reserves the district court's jurisdiction in aid of appeal."

27. Pro Se Plaintiffs Stenstrom and Hoopes exhausted all administrative remedies and followed all Rules of Civil Procedure for CV-2020-007523 (now U.S. Supreme Court docket 22-503) and CV-2022-000032 (CD 876), and have been held to the strictest compliance with laches and timeliness of filing by Judges Capuzzi (007523) and Whelan (000032). In fact, efforts to dismiss Plaintiffs' appeal for timely notice and service have already been tested, with Plaintiffs having to file formal evidence of notice and proof of service to the Commonwealth Court Prothonotary in two separate responses to Per Curiam orders demanding proof of service, (see Exhibit 8) despite their obvious appearance in the Delaware County Court of Common Pleas docket, which presumably should have been included with the full transmittal of the docket record by the Common Pleas Court (see Exhibit 9), prior to Plaintiffs receiving demands from the Commonwealth Court Prothonotary. Had Plaintiffs not personally retained those certificates and proof of service, and been able to produce them under separate cover from the Common Pleas transmittal of records, by certified mail to the Prothonotary, the Plaintiffs Appeal would have been dismissed for laches on December 6th, 2022 (see Exhibit 8 Per Curiam Order).

28. "Rule 905" for "New Appeals" provides specific directives to the Lower District Courts (whether Common Pleas or Magisterial Court as the trial court of first remedy) for statutory requirements and timelines (laches) for processing appeals. It specifically states in section 905(b) regarding the transmission of the docket record to the appellate court that:

"The clerk shall immediately transmit to the prothonotary of the appellate court named in

the notice of appeal a copy of the notice of appeal showing the date of receipt, the related proof of service and a receipt showing collection of any docketing fee in the appellate court required under Subdivision (c).”

29. The respective proof(s) of service and collection of docketing fees were apparently omitted from the transmittal of the record of CV-2022-000032 according to the numeric (integer) notations in the Transmission of Record (see Exhibit 9), as further evidenced by the Commonwealth Court Prothonotary demands for proof of service (see Exhibit 8).

30. While this might seem a trivial omission upon cursory review, a more careful examination and consideration of the intent of the transmittal omissions by the Court of Common Pleas, and the post-notice of appeal amendment of the opinion, is to curate the timelines, curate the case, and intentionally torpedo the appellate case procedurally, if possible.

REMEDY

31. Stephen Decatur Miller, an American politician, who served as the 52nd Governor of South Carolina and a US Congressman and US Senator from South Carolina, is credited with originating a phrase in 1830, later popularized by Frederick Douglass that:

“There are four boxes to be used in the defense of liberty: soap, ballot, jury, and cartridge. Please use in that order.”

32. Plaintiffs’ Stenstrom and Hoopes quandary in following this wise maxim is that some, but not all, self-serving politicians and their corporate sponsors; assorted ideological “ismists” who despise our Republic;

and politically biased partisan jurists, have turned the first three boxes into litter boxes. Justice officials (district attorneys, attorneys general, and law enforcement) charged with protecting the citizenry from such officials have either abrogated their duties to rein in these errant alley cats, or eschewed throwing clumps of effuse at each other within a cauldron of public corruption and media bread & circus in which no one wants to soil themselves.

33. In a national political climate where the truth has been liquified, it has been left to the common citizenry to shoulder their duty as the statutory and constitutionally charged sovereigns of the Republic to step up, scoop out the most odiferous clumps, and sort things out.

34. The conundrum in this motion, and available remedies is that Plaintiffs Stenstrom and Hoopes litigative goals are to simply present their voluminous evidence of election fraud and public corruption, expose the truth, and prove that the 2020 general election, and elections since, were fraudulently certified, in the community and county in which they live. All else that might percolate from those litigative objectives is within the venue and power of others charged with acting on those results.

35. Some in our Courts, including Judges assigned as arbiters to Plaintiffs' petitions; and certainly, the government officials who are Defendants in the subject case and related cases; and no small amount of a citizenry that has been misinformed and misled by a malignant and resentful media, perceive Plaintiffs as "vexatious interlopers," "conspiracy theorists" and "election deniers," that are distrustful of "all" politicians, bureaucrats, and the Courts. However, it is

the Plaintiffs very faith in our Courts and institutions of self-government, derived from the authority of the citizenry, that continues to propel them forward.

36. Plaintiffs could potentially seek immediate relief with the Commonwealth Court with separate petition or motions in that venue in their appellate capacity, or perhaps with the Pennsylvania Judicial Disciplinary Review Board, or maybe Circuit, other Common Pleas Courts in the Commonwealth (with a change of venue), or Federal Courts depending on their creativity and formation of a complaint that would fit a particular juris. But those prospective venues are comprised of people that don't live here, in Delaware County. The Plaintiffs and our trial courts of first remedy do. So do our law enforcement officers, justice officials, judges, and our families and neighbors, collectively "the citizenry."

37. If we, the citizenry, are to survive as a nation of laws, we must first learn to live with each other civilly, lawfully, and equitably. Plaintiffs can prove that a very small cabal of bad actors, most from outside of our community and county, and a relative handful of corrupt confederates, have perverted our ballot boxes for their personal financial gain. They have cunningly manipulated and misinformed otherwise well meaning, and good people to that end. In the simplest terms, our community, Delaware County has been conned. Fortunately, this is a condition that can be cured, and Plaintiffs' petitions, motions, and injunctions have all been made to that end.

38. Hence, as a first choice of remedy, Plaintiffs Stenstrom and Hoopes propose that the Court, and specifically Judge Whelan, repair what has been broken, transmit the true, full, original record of the

docket with financial records, withdraw the ill-considered curation of his opinion, and let the appellate Courts do their work, and permit the trajectory of the cases to lawfully proceed as our legacy legislators and jurists intended and codified in law.

CONCLUSION

39. *In New York Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964), the US Supreme Court ruled that:

“The government may not silence speech because it criticizes government officials or employees, or their favorite ideas or initiatives, even if that speech does so in ways that many people may find unpleasant. Allegations of hurt feelings, real or spurious, do not justify censorship of public speech. The First Amendment of the US Constitution embodies “a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials.”

40. Building on *New York Times v Sullivan*, another precedent setting case regarding free speech stated:

“Viewpoint discrimination is anathema to free expression and is impermissible in both public and nonpublic fora. So, if the government allows speech on a certain subject, it must accept all viewpoints on the subject, even those that it disfavors or that are unpopular.”

Pittsburgh League of Young Voters Educ. Fund v. Port Auth., 653 F.3d 290, 296 (3d Cir. 2011)

41. Our Courts, as arbiters of our laws, are not exempt from being bound by the First Amendment to hear and adjudicate lawful petitions brought forward by the citizenry simply because it is unpleasant, or contrarian to mainstream media narrative, or to the “judicial climate.”

42. The notion that the November 2020 election was “the safest and most secure election in history” is a viewpoint that has been foisted upon the citizenry by corrupt components of government, and propagandized by a Fourth Estate that has forgotten it’s duty. It has been left to the disenfranchised and forgotten citizenry to remember the words of Benjamin Franklin, who warned that it was up to the citizenry to keep the Republic our nation’s founders bestowed, and not their appointed administrative bureaucrats, and especially not representatives that have been potentially installed by tyrants, and not truly elected by the citizenry.

43. Pro Se Plaintiffs Stenstrom and Hoopes have qualitative, quantitative, and demonstrably clear physical evidence of election law violations that created surface area and vectors for fraud, and evidence that resulting vulnerabilities were exploited that resulted in massive fraud in the Delaware County 2020 election, and were repeated with growing perfection in the May and November 2022 elections.

44. Pro Se Plaintiffs Stenstrom and Hoopes are well aware that their choice of litigative language is at times caustic, argumentative and uncomfortable for the Court as arbiter; and especially for public officials

amongst the Defendants that Plaintiffs allege are corrupt.

45. It is fortunate for the Plaintiffs that they chose other professions besides attorney, and also for the Courts, that otherwise might not hear cases of election law violations, fraud and public corruption if it were solely left to the beneficiaries of public corruption to present a case, or rightfully fearful lawyers whose financial well-being is dependent on not crossing the line of sight and field of fire of corrupted officials. To the best knowledge of the Plaintiffs, not a Court in our nation dared to hold a single evidentiary hearing for over 65+ election law violation and fraud cases from the November 2020 election. This is not because election fraud didn't occur, or that voluminous evidence of such is unavailable, but because no public official, candidate, or lawful intervenor (certified poll watchers being included as intervenors) charged with a duty to object, made a real fight of it, or persisted long enough to allow the Courts to work as intended.

46. The government cannot be harmed, nor can public officials, or even Judges in our constitutional Republic, especially by unpleasant words. Only citizens can be harmed, and the citizen Plaintiffs in this case have evidence and cases to be heard, that provided substance and detail of that harm. For that evidence to be heard, both the letter of the law. and law of equity, must prevail in our Courts, especially those laws and rules that codify the boundaries by which the Courts must equitably abide in the Rules of Civil Procedure.

47. Judge Whelan's post notice of appeal amendments of his opinion, collateral curation of the docket, and noncompliance with transmitting all the

elements to the appellate court required by the Rules of Civil Procedure as described herein, were unlawful and must be corrected.

48. The doctrine that Plaintiffs should take legitimate actions to exhaust their administrative remedies requires that the violations of law and procedure addressed herein, be first presented to be remedied by the Delaware County Court of Common Pleas, the very Court that is the offending party, and specifically Judge Whelan.

RELIEF REQUESTED

49. That the amended order subsequent to the notice of appeal be rescinded and stricken from the docket, that the original order(s), and opinion of July 8th, 2022, be restored, as is, as the sole opinion for consideration of the appellate Commonwealth Court and Courts of Further Remedy thereafter; that the case be restored to its lawful form; that the noncompliant transmittal of proceedings be rescinded; and the rightful record be restored and re-transmitted in its place.

Respectfully submitted,

/s/ Leah Hoopes
241 Sulky Way
Chadds Ford, PA 19317
leahfreedelcopa@protonmail.com

/s/ Gregory Stenstrom
1541 Farmers Lane
Glen Mills, PA 19342
gstenstrom@xmail.net

Date: 15DEC2022

ORDER

Whereas the amended order by this Court entered on December 1st, 2022, was made subsequent to the notice of appeal,

Now, on this _____ day of _____, 202__, the amended order will be rescinded and stricken from the docket; the original order(s), and opinion of July 8th, 2022 be restored, as is, as the sole opinion for transmittal and consideration for the Appellate Commonwealth Court and other Appellate Courts of Further Remedy thereafter; that the case be restored to its lawful form in compliance with Pennsylvania Rules of Civil Procedure; that the noncompliant transmittal of proceedings be rescinded; and the correct record be restored and re-transmitted in its place.

BY THE COURT

VERIFICATION

We, Leah Hoopes and Gregory Stenstrom, hereby verify the statements made in the foregoing pleadings are true and correct to the best of our knowledge, information, and belief. The undersigned understand that the statements therein are made subject to the penalties of 18 Pa. C.S. section 4904 relating to unsworn falsification to authorities.

Respectfully submitted,

/s/ Leah Hoopes

Date: 15DEC2022

241 Sulky Way

Chadds Ford, PA 19317

leahfreedelcopa@protonmail.com

/s/ Gregory Stenstrom

Date: 15DEC2022

1541 Farmers Lane

Glen Mills, PA 19342

gstenstrom@xmail.net

EXHIBIT B.1

- First “original” order signed on July 8th, 2022, and filed on July 15th, 2022, dismissing Secretary of State Boockvar’s motion for sanctions without prejudice.
- Note Judicial Support Timestamp of 07-15-2022 @ 04:10 PM

**ORDER OF THE COURT OF
COMMON PLEAS OF DELAWARE COUNTY
(JULY 8, 2022)**

IN THE COURT OF COMMON PLEAS
OF DELAWARE COUNTY, PENNSYLVANIA
CIVIL DIVISION

RUTH MOTON, ET AL.,

v.

KATHY BOOCKVAR, ET AL.

No: 2022-000032

Before: John J. WHELAN, Judge.

AND NOW, this 8th day of July, 2022, upon consideration of Defendants Kathy Boockvar's Motion for Sanctions, and Plaintiffs' response thereto, it hereby ORDERED and DECREED that said motion is DENIED without prejudice.

BY THE COURT:

/s/ John J. Whelan
Judge

FILED
07-15-2022 04:09 PM
OFFICE OF JUDICIAL SUPPORT
DELAWARE COUNTY, PA

EXHIBIT B.2

- Second amended “original” order signed on July 8th, 2022, and filed on July 15th, 2022, dismissing Defendants’ motion for sanctions without prejudice
- Note footnote with names of all Defendants.
- Note Judicial Support Timestamp of 07-15-2022 @ 04:11 PM

**AMENDED ORDER OF THE COURT OF
COMMON PLEAS OF DELAWARE COUNTY
(JULY 8, 2022)**

IN THE COURT OF COMMON PLEAS OF
DELAWARE COUNTY, PENNSYLVANIA
CIVIL DIVISION

RUTH MOTON, ET AL.,

v.

KATHY BOOCKVAR, ET AL.

No: 2022-000032

Before: John J. WHELAN, Judge.

AND NOW, this 8th day of July, 2022, upon consideration of Defendants¹ Motion for Sanctions, and Plaintiffs' response thereto, it hereby ORDERED

¹ Defendants include Delaware County; Delaware County Board of Elections; Delaware County Bureau of Elections; and the following employees or officeholders of the County: James Byrne; Gerald Lawrence; Ashley Lunkenheimer; Laureen Hagan; James P. Allen; Maryanne Jackson; James Savage; Thomas Gallagher; James A. Ziegelhoffer; Crystal Winterbottom; Chevon Flores; Jean Fleschute; Stacy Heisey-Terrell; Christina Iacono; Christina Perrone; Karen Reeves; Donna Rode; Norma Locke; Jean Davidson; S.J. Dennis; Marilyn Heider; Louis Govinden; Doug Degenhardt; Mary Jo Headley; Jennifer Booker; Kenneth Haughton; Regina Scheerer; Cathy Craddock; Maureen T. Moore; Pasquale Cipolloni; Gretchen Bell; Anne Coogan; Howard Lazarus; Christine Reuther; William Martin); and James Manly Parks.

Reh.App.194a

and DECREED that said motion is DENIED without prejudice.

BY THE COURT:

/s/ John J. Whelan

Judge

FILED
07-15-2022 04:10 PM
OFFICE OF JUDICIAL SUPPORT
DELAWARE COUNTY, PA

EXHIBIT B.3

- Third “original” order and opinion signed on July 8th, 2022, and filed on July 15th, 2022, dismissing Plaintiffs’ original petition with prejudice.
- Note that Plaintiff’s Sur Reply file June 8th, 2022, regarding DA Stollsteimer’s provably false public statements that Plaintiffs’ evidence was “a fiction” is omitted from any mention or ruling and was never investigated or adjudicated.
- Note Judicial Support Timestamp of 07-15-2022 @ 04:11 PM

**ORDER OF THE COURT OF
COMMON PLEAS OF DELAWARE COUNTY
(JULY 8, 2022)**

IN THE COURT OF COMMON PLEAS OF
DELAWARE COUNTY, PENNSYLVANIA
CIVIL DIVISION

RUTH MOTON, ET AL.

v.

KATHY BOOCKVAR, ET AL.

No: 2022-000032

Before: John J. WHELAN, Judge.

AND NOW, this day of July, 2022, upon consideration of the preliminary objections of all Defendants¹ to Plaintiffs Complaint and Plaintiffs' response(s) thereto, this finds as follows:

¹ Defendant Kathy Boockvar filed preliminary objections to Plaintiffs Complaint on February 7, 2022. Defendants Delaware County; Delaware County Board of Elections; Delaware County Bureau of Election, and the following employees or officeholders of the County: James Byrne; Gerald Lawrence; Ashley Lunkenheimer; Laureen Hagan; James P. Allen; Maryanne Jackson; James Savage; Thomas Gallagher; James A. Ziegelhoffer; Crystal Winterbottom; Chevon Flores; Jean Fleschute; Stacy Heisey-Terrell; Christina Iacono; Christina Perrone; Karen Reeves; Donna Rode; Norma Locke; Jean Davidson; S.J. Dennis; Marilyn Heider; Louis Govinden; Doug Degenhardt; Mary Jo Headley; Jennifer Booker; Kenneth Haughton; Regina Scheerer; Cathy

1. On November 24, 2020 Secretary of State Kathy Boockvar certified the results of the November 3, 2020 election in Pennsylvania for the president and vice president of the United States.
2. Thereafter Governor Tom Wolf signed the Certificate of Ascertainment for the slate of electors for Joseph R. Biden as president and Kamala D. Harris as vice president of the United States.
3. Joseph Biden and Kamala Harris were inaugurated as President and Vice President of the United States on January 20, 2021.
4. On January 1, 2022 Plaintiffs Ruth Moton, Leah Hoopes and Gregory Stenstrom filed a 104-page Complaint seeking mandamus and injunctive relief related to the November 3, 2020 election. Specifically, Plaintiffs raise a claim of common law fraud, fraudulent misrepresentation, negligent misrepresentation, common law quo warranto, and mandamus and equitable relief.
5. Plaintiffs Leah Hoopes and Gregory Stenstrom aver they were voters in the 2020 election and Plaintiff Ruth Moton aver she was both a voter and a candidate in the 2020 election.

Craddock; Maureen T. Moore; Pasquale Cippolloni; Gretchen Bell; Anne Coogan; Howard Lazarus; Christine Reuther; William Martin; and James Manly Parks also filed preliminary objections to Plaintiffs Complaint on February 7, 2022.

6. Plaintiff Moton lost her election in 2020 and the victors were inaugurated and sworn-into office prior to the filing of the instant Complaint on January 1, 2022.
7. On February 7, 2022 Defendants Delaware County, *et al.* filed preliminary objections to Plaintiff's Complaint.
8. On February 7, 2022 Defendant Kathy Boockvar also filed preliminary objections to Plaintiff's Complaint.
9. Plaintiffs filed a reply to both sets of Defendants' preliminary objections on February 28, 2022.
10. This case was thereafter assigned to the undersigned in June of 2022.
11. In Pennsylvania, it is well established that an actual case or controversy must exist at all stages of the judicial process, or the matter will be dismissed as moot. *Strax v. Com., Dep't of Transp., Bureau of Driver Licensing*, 138 Pa.Cmwlth. 368, 371, 588 A.2d 87, 88 (1991), *aff'd*, 530 Pa. 203, 607 A.2d 1075 (1992).
12. As the instant Complaint challenges the administration of an election that occurred in 2020, and the prevailing candidates in that election have been inaugurated, the claims set forth in the Complaint are moot and must be dismissed.
13. This court further finds that the exceptions to the mootness doctrine to not apply.

WHEREFORE, this court hereby enters the following:

AND NOW, this 8th day of July, 2022, upon consideration of the preliminary objections of all Defendants, and Plaintiffs' response(s) thereto, it is hereby ORDERED and DECREED that said preliminary objections are SUSTAINED in their entirety. Accordingly, Plaintiffs' Complaint is hereby DISMISSED WITH PREJUDICE.

BY THE COURT:

/s/ John J. Whelan

Judge

FILED
07-15-2022 04:11 PM
OFFICE OF JUDICIAL SUPPORT
DELAWARE COUNTY, PA

EXHIBIT B.4

- First POST Notice of Appeal amended UNDATED Opinion filed on November 21st, 2022, without Notice, Service, or Judicial Support timestamp (page 23 of 55), prepended to third amended “original” order (“Attachment A”) with Judicial Support timestamp of 11-21-2022 under 07-15-2022 timestamp on last page.
- Note that 07-15-2022 timestamp is digitally altered, enhanced, to be bolder in font size, and a pixelated image overlayed over the 11-21-2022 timestamp.
- Note that 11-21-2022 timestamp date component is still visible underneath the 07-15-2022 timestamp image.

**OPINION OF THE COURT OF
COMMON PLEAS OF DELAWARE COUNTY
(NOVEMBER 21, 2022)**

IN THE COURT OF COMMON PLEAS OF
DELAWARE COUNTY, PENNSYLVANIA
CIVIL DIVISION

RUTH MOTON, ET AL.,

v.

KATHY BOOCKVAR, ET AL.

No: CV-2022-000032
877 CD 2022

Before: John J. WHELAN, Judge.

Ruth Moton, (hereinafter “Appellant”), appeals from this court’s Order dated July 8, 2022, which dismissed Plaintiff’s Complaint with prejudice. This court respectfully submits that no relief can be provided and that its order should be upheld on appeal.

Procedural and Factual History

This case was initiated on January 1, 2022 when Appellant filed a Complaint challenging the administration of the election in 2020. Appellant is one of three plaintiffs who claimed that the lengthy list of Defendants “intentionally and fraudulently” destroyed, deleted, secreted and hid data, materials and equipment used during the November 3, 2020 Presidential

election in order to prevent discovery of election fraud and violation of election laws in Delaware County. Compl. ¶ 1. Appellant believed that the Defendants hired “incompetent or underqualified individuals” who lacked training in their positions for the day of the election in order to coverup the fraud and election violations. Compl. ¶ 3. On May 21, 2021 a Right to Know (“RTK”) request of the election information and data was made. Appellant claimed that Defendants “fraudulently and intentionally deleted, changed, adulterated, manipulated and/or obscured the information, data and materials” which were produced in response to the RTK request to hide their alleged violation of the election code. Appellant alleged that this was done because the Defendants then knew that they “could not reconcile” the reported November 3, 2020, election results with the actual information that was in their possession. Compl. ¶ 4.

Appellant claimed that prior to Delaware County’s submission of total votes, which were in favor of Joseph R. Biden, that Donald J. Trump was in the lead by 7,515 votes. Compl. ¶ 123. They cite to no source with this claim. With this, Appellant claimed that her Constitutional rights under the Pennsylvania Constitution were violated. Compl. ¶ 125-127. She additionally claimed that her rights under the United States Constitution were violated. Compl. 135. After citing multiple sections of Pennsylvania Voting Code’s post-election procedures, Appellant claimed that the defendants failed to transfer accurate information and data of the legal votes cast in Delaware County, failed to properly certify those votes, failed to ensure that the elections were conducted legally, failed to preserve all evidence in relation to the election and

various other failures. Compl. ¶ 150. According to Appellant, 15 of 428 precincts did not have return sheets at the time of certification, 16 precincts submitted blank return sheets, and 213 precincts had return sheets with missing information. Compl. ¶ 195-198.

Appellant provided exhibits that supposedly demonstrate the return sheets that were “hidden”, and that a defendant to this case claimed these return sheets could not have been reconciled with the election results. Compl. ¶ 204. Due to the return sheets inability to be reconciled with the results, Appellant claims that after the election the Delaware County Return Board interviewed election day workers and “prompted them to create new return sheets” for the election. Compl. ¶ 208. In addition to the creation of new return sheets, Appellant also alleged that defendants were purposefully giving improper instructions when scanning the return sheets. Compl. ¶ 230. The District Attorney, state Attorney General and Department of Justice have failed to charge any actor involved with alleged criminal acts related to the Election. Compl. ¶ 266.

Appellant and other Plaintiffs to the suit sought a jury trial, and among other things, mandamus, injunctive, and equitable relief for the defendants’ alleged fraud. Compl. ¶ 383.

On February 7, 2022 Defendants filed preliminary objections to Appellant’s Complaint.¹ Plaintiffs filed

¹ Defendants Delaware County; Delaware County Board of Elections; Delaware County Bureau of Elections, and the following employees or officeholders of the County: James Byrne; Gerald Lawrence; Ashley Lunkenheimer; Laureen Hagan; James P. Allen;

their respective replies on February 28, 2022. Defendants then filed a Motion for Sanctions, and Plaintiffs responded thereto.² Upon review of the preliminary objections and responses, this court ultimately concluded that since the prevailing candidates in the challenged election had been inaugurated, it was without any jurisdiction to consider any claims in the Complaint. Accordingly, this court sustained Defendants' preliminary objections and dismissed Appellant's Complaint in an Order dated July 8, 2022. A copy of this Order is attached hereto as Exhibit A. Thereafter, Appellant filed a Motion for Reconsideration, which was subsequently denied.³ A notice of appeal was filed on August 15, 2022, necessitating the Opinion herein.⁴

Maryanne Jackson; James Savage; Thomas Gallagher; James A. Ziegelhoffer; Crystal Winterbottom, Chevon Flores; Jean Flescbute; Stacy Heisey-Terrell; Christina Iacono; Christina Perrone; Karen Reeves; Donna Rode; Norma Locke; Jean Davidson; S.J. Dennis; Marilyn Heider; Louis Govinden; Doug Degenhardt; Mary Jo Headley; Jennifer Booker; Kenneth Haughton; Regina Scheerer; Cathy Craddock; Maureen T. Moore; Pasquale Cippolloni; Gretchen Bell; Anne Coogan; Howard Lazarus; Christine Reuther; William Martin; and James Manly Parks filed one set of preliminary objections to Plaintiffs' Complaint and Defendant Kathy Boockvar filed another.

² This motion was denied without prejudice in an Order signed on July 8, 2022. It appears on the docket on July 15, 2022.

³ Plaintiffs Leah Hoopes and Gregory Stenstrom filed a "Motion to Not Join in Motion for Reconsideration" on August 10, 2022.

⁴ On September 14, 2022, the court entered an order which denied Appellant's Motion for Reconsideration because the court had been divested of jurisdiction. This court did not order Appellant to file a statement pursuant to Pa.R.A.P. 1925(b).

Standard of Review

The standard of review to determine if the trial court properly sustained the preliminary objections is de novo, and the scope of the review is plenary. *Caltagirone v. Cephalon, Inc.*, 190 in the complaint, together with the documents and exhibits attached thereto, and the impetus of its inquiry is to determine the legal sufficiency of the complaint and whether the pleading would permit recovery if ultimately proven” *McNaughton Properties. LP v. Barr*, 981 A.2d 222 (Pa. Super. 2009)

Discussion

Appellant sought reconsideration of the court’s decision to dismiss Appellant’s complaint under the theory of mootness. Under the mootness doctrine, “an actual case or controversy must be extant at all stages of review, not merely at the time the complaint is filed.” *Pub. Def.’s Off. of Venango County v. Venango County Ct. of Com. Pleas*, 893 A.2d 1275 (Pa. 2006). If the case or controversy does not exist at all stages of the judicial process, then the matter will be dismissed as moot. *Strax v. Com., Dept. of Transp. Bureau of Driver Licensing*, 138 Pa.Cmwlth 368, 371, 588 A.2d 87, 88 (1991), *aff’d*, 530 Pa. 203, 607 A.2d 075 (1992). The Pennsylvania Supreme Court has explained that a case “presenting mootness problems involves litigants who clearly had standing to sue at the outset of the litigation” but that a problem arises from “events occurring after the lawsuit has gotten under way—changes in the facts or in the law—which allegedly deprive the litigant of the necessary stake in the outcome.” *Pap’s A.M. v. City of Erie*, 812 A.2d 591 (Pa. 2002)

In the case *sub judice* and as set forth above, Appellant brought a challenge regarding the way the 2020 election was conducted. The Defendant's preliminary objections included challenges on the grounds of service, failure to exhaust statutory remedies under the Election code, immunity, and most poignant, mootness. In support of their contention, Defendants cited to *Bognet v. Degraffenreid*, 141 S.Ct. 2508 (2021) which involved election fraud in the 2020 candidates had been inaugurated. They also brought preliminary objections on other grounds, including service, standing, failure to exhaust statutory remedies under the Election Code, and immunity. In support of their contention, Defendants cited to *Bognet v. Degraffenreid*, 209 L.Ed.2d 544, 141 S.Ct. 2508 (2021), a federal case which vacated a challenge to the administration of the 2020 election as moot. This court found the case persuasive. This court additionally found that no exceptions to the mootness doctrine applied.

Put simply, based upon the fact that Pennsylvania's election was certified, and the President and Vice President assumed office a full year before this lawsuit was filed, there was no relief related to the 2020 election that this could grant and the matter was moot. Accordingly, this court submits that it was without jurisdiction to rule on the case and submits that it did not err in sustaining Defendants' preliminary objections and dismissing the Complaint in the case herein.

Conclusion

For the foregoing reasons, the trial court's Order should not be disturbed upon appeal.

BY THE COURT:

/s/ John J. Whelan
Judge

ATTACHMENT A

IN THE COURT OF COMMON PLEAS OF
DELAWARE COUNTY, PENNSYLVANIA
CIVIL DIVISION

RUTH MOTON, ET AL.,

v.

KATHY BOOCKVAR, ET AL.

No: CV-2022-000032

ORDER

AND NOW, this 8th day of July, 2022. upon consideration of the preliminary objections of all Defendants¹ to Plaintiff's Complaint and Plaintiffs' response(s) thereto, this court hereby finds as follows:

¹ Defendant Kathy Boockvar filed preliminary objections to Plaintiffs Complaint on February 7, 2022. Defendants Delaware County; Delaware County Board of Elections; Delaware County Bureau of Election, and the following employees or officeholders of the County: James Byrne; Gerald Lawrence; Ashley Lunkenheimer; Laureen Hagan; James P. Allen; Maryanne Jackson; James Savage; Thomas Gallagher; James A. Ziegelhoffer; Crystal Winterbottom, Chevon Flores; Jean Fleschute; Stacy Heisey-Terrell; Christina Iacono; Christina Perrone; Karen Reeves; Donna Rode; Norma Locke; Jean Davidson; S.J. Dennis; Marilyn Heider; Louis Govinden; Doug Degenhardt; Mary Jo Headley; Jennifer Booker; Kenneth Haughton; Regina Scheerer; Cathy Craddock; Maureen T. Moore; Pasquale Cippolloni; Gretchen Bell; Anne Coogan; Howard Lazarus; Christine Reuther; William Martin; and James Manly Parks also filed preliminary objections

On November 24, 2020 Secretary of State Kathy Boockvar certified the results of the November 1, 2020 election in Pennsylvania for the president and vice president of the United States.

2. Thereafter Governor Torn Wolf signed the Certificate of Ascertainment for the slate of electors for Joseph R. Biden as president and Kamala D. Harris as vice president of the United States.

3. Joseph Biden and Kamala Harris were inaugurated as President and Vice President of the United States on January 20, 2021,

4. On January 1, 2022 Plaintiffs Ruth Moton, Leah Hoopes and Gregory Stenstrom filed a 104-page Complaint seeking mandamus and injunctive relief related to the November 3, 2020 election. Specifically, Plaintiffs raise a claim of common law fraud, fraudulent misrepresentation, negligent misrepresentation, common law quo warrant and mandamus and equitable relief

5. Plaintiffs Leah Hoopes and Gregory Stenstrom aver they were voters in the 2020 election and Plaintiff Ruth Moton avers she was both a voter and a candidate in the 2020 election.

6. Plaintiff Moton lost her election in 2020 and the victors were inaugurated and sworn into Office prior to the filing of the instant Complaint on January 1, 2022.

7. On February 7, 2022 Defendants Delaware County, et al filed preliminary objections to Plaintiff's Complaint.

8. On February 7, 2022 Defendant Kathy Boockvar also filed preliminary objections to Plaintiff's Complaint.

9. Plaintiffs filed a reply to both sets of Defendants' preliminary objections on February 28, 2022.

10. This case was thereafter assigned to the undersigned in June of 2022.

11. In Pennsylvania, it is well established that an actual case or controversy must exist at all stages of the judicial process or the matter will be dismissed as moot. *Strax v. Com. Dep't of Tramp. Bureau of Driver Licensing*, 138 Pa.Cmwlth. 368, 371, 588 A.2d 87, 88 (1991), *aff'd*, 530 Pa. 203, 607 A.2d 1075 (1992).

12. As the instant Complaint challenges the administration of an election that occurred in 2020, and the prevailing candidates in that election have been inaugurated, the claims set forth in the Complaint are moot and must be dismissed.

13. This court further finds that the exceptions to the mootness doctrine to not apply.

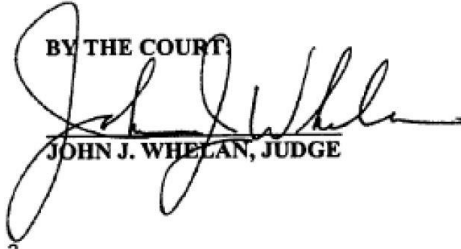
WHEREFORE, this court hereby enters the following:

AND NOW, this 8th. day of July, 2022, upon consideration of the preliminary objections of all Defendants. and Plaintiffs' response(s) thereto, it is hereby ORDERED and DECREED that said preliminary objections are SUSTAINED in their entirety.

Accordingly, Plaintiffs' Complaint is hereby DIS-
MISSED WITH PREJUDICE.

BY THE COURT

/s/John J. Whelan
Judge

BY THE COURT

JOHN J. WHELAN, JUDGE

FILED
07-15-2022 04:11 PM
FILED
OFFICE OF JUDICIAL SUPPORT
DELAWARE COUNTY, PA
11-21-2022 02:00 PM
OFFICE OF JUDICIAL SUPPORT
DELAWARE COUNTY, PA

EXHIBIT B.5

- Second POST Notice of Appeal amended UNDATED Opinion filed on December 1st, 2022, this time with Notice, but still without Judicial Support timestamp page 32 of 55), prepended to third amended “original” order (“Attachment A”) with Judicial Support timestamp of 11-21-2022 under 07-15-2022 timestamp on last page.
- Note that 07-15-2022 timestamp is same digitally altered, enhanced, to be bolder in font size, and a pixelated image overlayed over the 11-21-2022 timestamp.
- **Note that 11-21-2022 timestamp date component is now completely obscured underneath the 07-15-2022 timestamp image and different from Exhibit 4, but should be identical.**

**OPINION OF THE COURT OF
COMMON PLEAS OF DELAWARE COUNTY
(DECEMBER 1, 2022)**

IN THE COURT OF COMMON PLEAS OF
DELAWARE COUNTY, PENNSYLVANIA
CIVIL DIVISION

RUTH MOTON, LEAH HOOPES
and GREGORY STENSTROM

v.

KATHY BOOCKVAR, ET AL.,

No: CV-2022-000032
876 CD 2022

Before: John J. WHELAN, Judge.

Leah Hoopes and Gregory Stenstrom, (hereinafter “Appellants”), appeals from this court’s Order dated July 8, 2022, which dismissed Plaintiff’s Complaint with prejudice. This court respectfully submits that no relief can be provided and that its order should be upheld on appeal.

Procedural and Factual History

This case was initiated on January 1, 2022 when Appellant filed a Complaint¹ challenging the administration of the election in 2020. Appellant are two of

¹ At the time of this filing, Appellants were represented by

three plaintiffs who claimed that the lengthy list of Defendants “intentionally and fraudulently” destroyed, deleted, secreted and hid data, materials and equipment used during the November 3, 2020 President election in order to prevent discovery of election fraud and violation of election laws in Delaware County. Compl. ¶ 1. Appellant believed that the Defendants hired “incompetent or underqualified individuals” who lacked training in their positions for the day of the election in order to cover up the fraud and election violations. Compl. ¶ 3. On May 21, 2021 a Right to Know (“RTK”) request of the election information and data was made. Appellant claimed that Defendants “fraudulently and intentionally deleted, changed, adulterated, manipulated and/or obscured the information, data and materials” which were produced in response to the RTK request to hide their alleged violation of the election code. Appellant alleged that this was done because the Defendants then knew that they “could not reconcile” the reported November 3, 2020, election results with the actual information that was in their possession. Compl. ¶ 4.

Appellant claimed that prior to Delaware County’s submission of total votes, which were in favor of Joseph R. Biden, that Donald J. Trump was in the lead by 7,515 votes. Compl. ¶ 123. They cite to no source with this claim. With this, Appellants claimed that their Constitutional rights under the Pennsylvania Constitution were violated. Compl. ¶ 125-127. She additionally claimed that her rights under the United States Constitution were violated. Compl. 135. After citing multiple sections of Pennsylvania Voting Code’s

counsel. Appellants are proceeding *pro se* on appeal.

post-election procedures, Appellants claimed that the Defendants failed to transfer accurate information and data of the legal votes cast in Delaware County, failed to properly certify those votes, failed to ensure that the elections were conducted legally, failed to preserve all evidence in relation to the election and various other failures. Compl. ¶ 150. According to Appellant, 15 of 428 precincts did not have return sheets at the time of certification, 16 precincts submitted blank return sheets, and 213 precincts had return sheets with missing information. Compl. ¶ 195-198.

Appellants provided exhibits that supposedly demonstrate the return sheets that were “hidden”, and that a defendant to this case claimed these return sheets could not have been reconciled with the election results. Compl. ¶ 204. Due to the return sheets inability to be reconciled with the results, Appellants claimed that after the election the Delaware County Return Board interviewed election day workers and “prompted them to create new return sheets” for the election. Compl. ¶ 208. In addition to the creation of new return sheets, Appellants also alleged that defendants were purposefully giving improper instructions when scanning the return sheets. Compl. ¶ 230. The District Attorney, state Attorney General and Department of Justice have failed to charge any actor involved with alleged criminal acts related to the Election. Compl. ¶ 266. Appellants sought a jury trial, and among other things, mandamus, injunctive, and equitable relief for the defendants’ alleged fraud. Compl. ¶ 383.

On February 7, 2022 Defendants filed preliminary objections to Appellant's Complaint.² Plaintiffs filed their respective replies on February 28, 2022. Defendants then filed a Motion for Sanctions, and Plaintiffs responded thereto.³ Upon review of the preliminary objections and responses, this court ultimately concluded that Complaint challenged the administration of an election that occurred in 2020, and the prevailing candidates in the challenged election had been inaugurated, it was without any jurisdiction to consider any claims in the Complaint. Accordingly, this court sustained Defendants' preliminary objections and dismissed Appellant's Complaint in an Order dated July 8, 2022.⁴ A copy of this Order is attached hereto as Exhibit A. Plaintiff Ruth Moton filed a Motion for Reconsideration of that order and Appellants

² Defendants Delaware County; Delaware County Board of Elections; Delaware County Bureau of Elections, and the following employees or officeholders of the County: James Byrne; Gerald Lawrence; Ashley Lunkenheimer; Laureen Hagan; James P. Allen; Maryanne Jackson; James Savage; Thomas Gallagher; James A. Ziegelhoffer; Crystal Winterbottom, Chevon Flores; Jean Flescbute; Stacy Heisey-Terrell; Christina Iacono; Christina Perrone; Karen Reeves; Donna Rode; Norma Locke; Jean Davidson; S.J. Dennis; Marilyn Heider; Louis Govinden; Doug Degenhardt; Mary Jo Headley; Jennifer Booker; Kenneth Haughton; Regina Scheerer; Cathy Craddock; Maureen T. Moore; Pasquale Cippolloni; Gretchen Bell; Anne Coogan; Howard Lazarus; Christine Reuther; William Martin; and James Manly Parks filed one set of preliminary objections to Plaintiffs' Complaint and Defendant Kathy Boockvar filed another.

³ This motion was denied without prejudice in an Order signed on July 8, 2022. It appears on the docket on July 15, 2022.

⁴ The docket reflects that this Order was docketed on July 15, 2022.

filed a “Motion to Not Join in Motion for Reconsideration” on August 10, 2022.⁵ Appellants filed a notice of appeal on August 14, 2022, necessitating the Opinion herein.⁶ This court did not order Appellants to file a statement pursuant to Pa.R.A.P. 1925(b).

Standard of Review

The standard of review to determine if the trial court properly sustained the preliminary objections is de novo, and the scope of the review is plenary. *Caltagirone v. Cephalon, Inc.*, 190 A.3d 596 (Pa. Super. 2018). In this review, the appellate court “must examine only the averments in the complaint, together with the documents and exhibits attached thereto, and the impetus of its inquiry is to determine the legal sufficiency of the complaint and whether the pleading would permit recovery if ultimately proven.” *McNaughton Properties, LP v. Barr*, 981 A.2d 222 (Pa. Super. 2009).

Discussion

It is well established that in Pennsylvania an actual case or controversy must exist at all stages of the judicial process or the matter will be dismissed as moot. *Strax v. Com., Dept’t of Transp., Bureau of Driver Licensing*, 138 Pa.Cmwlth 368, 371, 588 A.2d 87, 88 (1991), *aff’d*, 530 Pa. 203, 607 A.2d 075 (1992).

⁵ Plaintiffs Leah Hoopes and Gregory Stenstrom filed a "Motion to Not Join in Motion for Reconsideration" on August 10, 2022.

⁶ On September 14, 2022, the court entered an order which denied Appellant's Motion for Reconsideration because the court had been divested of jurisdiction. This court did not order Appellant to file a statement pursuant to Pa.R.A.P. 1925(b).

The court will decide questions that have otherwise been rendered moot where the questions presented for review are of great public importance, involve exceptional circumstances, or are capable of repetition yet escape review. *Benoff v. Zoning Board of Adjustment*, 107 Pa.Cmwlth 578, 528 A.2d 705 (1987).

In the case *sub judice* and as set forth above, Appellants brought a challenge to the manner in which the 2020 election was conducted. In their preliminary objections Defendants argued that the claim was moot based on the fact that the election had occurred and the candidates had been inaugurated. They also brought preliminary objections on other grounds, including service, standing, failure to exhaust statutory remedies under the Election Code, and immunity. In support of their contention, Defendants cited to *Bognet v. Degraffenreid*, 209 L.Ed.2d 544, 141 S.Ct. 2508 (2021), a federal case which vacated a challenge to the administration of the 2020 election as moot. This court found the case persuasive. This court additionally found that no exceptions to the mootness doctrine applied.

Put simply, based upon the fact that Pennsylvania's election was certified, and the President and Vice President assumed office a full year before this lawsuit was filed, there was no relief related to the 2020 election that this could grant and the matter was moot. Accordingly, this court submits that it was without jurisdiction to rule on the case and submits that it did not err in sustaining Defendants' preliminary objections and dismissing the Complaint in the case herein.

Conclusion

For the foregoing reasons, the trial court's Order should not be disturbed upon appeal.

BY THE COURT:

/s/ John J. Whelan

Judge

THE COURT:

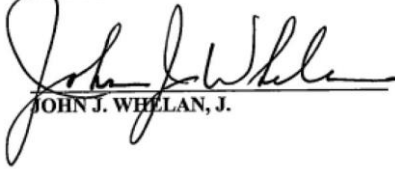

JOHN J. WHELAN, J.

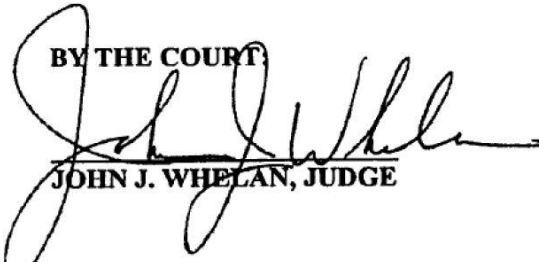
EXHIBIT B.6

- Comparison of First and Second POST Notice of Appeal amended UNDATED Opinions “Attachment A” Signature pages of Judge Whelan filed on November 21st, 2022 and December 1st, 2022, respectively.
- Note that bottom right hand Judicial Support timestamps are different on what are supposedly identical filings, with the Second Post Notice of Appeal amended Opinion with completely obscured 11-21-2022 date being the one that will be considered by appellate Courts.

**COMPARISON OF SIGNATURE PAGES OF
JUDGE WHELAN**

WHEREFORE, this court hereby enters the following:

AND NOW, this 8th day of July, 2022, upon consideration of the preliminary objections of all Defendants, and Plaintiffs' response(s) thereto, it is hereby ORDERED and DECREED that said preliminary objections are SUSTAINED in their entirety. Accordingly, Plaintiffs' Complaint is hereby DISMISSED WITH PREJUDICE.

BY THE COURT

JOHN J. WHELAN, JUDGE

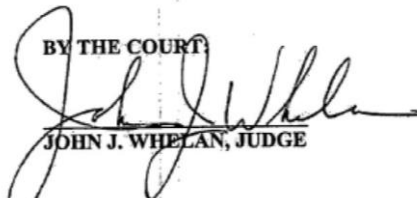
2

FILED
07-15-2022 04:11 PM
OFFICE OF JUDICIAL SUPPORT
DELAWARE COUNTY, PA
FILED
07-15-2022 02:00 PM
OFFICE OF JUDICIAL SUPPORT
DELAWARE COUNTY, PA

WHEREFORE, this court hereby enters the following:

AND NOW, this 8th day of July, 2022, upon consideration of the preliminary objections of all Defendants, and Plaintiffs' response(s) thereto, it is hereby ORDERED and DECREED that said preliminary objections are SUSTAINED in their entirety. Accordingly, Plaintiffs' Complaint is hereby DISMISSED WITH PREJUDICE.

FILED
2022 DEC -1 PM 2:58
OFFICE OF
JUDICIAL SUPPORT
DELAWARE COUNTY, PA

BY THE COURT:

JOHN J. WHELAN, JUDGE
2

FILED
07-15-2022 04:14 PM
OFFICE OF JUDICIAL SUPPORT
DELAWARE COUNTY, PA
OFFICE OF JUDICIAL SUPPORT
DELAWARE COUNTY, PA

EXHIBIT B.7

- Timestamp comparisons Third amended “original” order / opinion docketed on July 15th, 2022, (page 39 of 55) and First and Second POST Notice of Appeal, amended, UNDATED Opinions “Attachment A” Signature pages of Judge Whelan filed on November 21st, 2022, and December 1st, 2022, respectively.
- Note original timestamp on page 43 of 67 compared to the digital cut and paste of same timestamp with enhanced, bold, and pixelated overlays of the timestamp over the 11-21-2022 timestamp.
- Note the vertically placed 12-01-2022 Judicial Support timestamp that was added to the Second Post Notice of Appeal amended opinion.

TIMESTAMP COMPARISONS

FILED
07-15-2022 04:11 PM
OFFICE OF JUDICIAL SUPPORT
DELAWARE COUNTY, PA

Judicial Support Time Stamp for the “original” Order and Opinion on 07-15-2022 @ 04:11 PM that was allegedly “signed” on July 8th, 2022, and dismissed Plaintiffs’ complaint as “moot.”

FILED
2022 DEC -1 PM 2:58
OFFICE OF
JUDICIAL SUPPORT
DELAWARE CO PA

Additional, supplementary Judicial Support Time Stamp for Second POST Notice of Appeal, Amended, Opinion docketed on 12-01-2022 @ 02:58 PM

EXHIBIT B.8

- Correspondence between Plaintiffs Stenstrom and Hoopes and Prothonotary for the appellate Commonwealth Court of Pennsylvania regarding proper Notice of Appeal and Proof of Service

**DEFECT CORRECTION NOTICE FILED WITH
TO CLERK OF COMMONWEALTH COURT OF
PENNSYLVANIA**

02 November 2022

Prothonotary
Commonwealth Court of Pennsylvania
601 Commonwealth Avenue, Suite 2100
P.O. Box 69185
Harrisburg, PA 17106-9185

Docket No. 876 CD 2022

Subject: Prothonotary Defect Correction Notice dated
10/20/2022

Regarding Notice of Appeal,

Dear Sir/Madam,

There seems to be some confusion that Petitioners (Plaintiffs) have caused by filing the body of their appeal out of an abundance of caution on 10/15/2022, 60 days after we filed and served a timely and proper Notice of Appeal on 08/14/2022 via e-file in the Delaware County docket (see attached Notice with electronic filing stamp bottom right of page). All respondents (Defendants) are included in the e-file system, and as such, agree that e-filing constitutes service, as can be verified within the docket.

The Judge permitted and did not object or file a response to the electronic notice of appeal, and there was no hearing and no transcript. We have included attachments to ensure we cure and meet the requirements of the court that you have highlighted in your document

The conundrum we were faced with was we had to discharge our attorneys for cause, are Pro Se, and were placed in the position of not yet being approved by the Commonwealth to represent ourselves, and not receiving notice-or our case files-or anything else from our attorneys who refused to take any direction from us-we could not risk the possibility of not receiving any notice or schedule form the Commonwealth Court, and filed our appeal in the blind to ensure we would at least meet the 60 day deadline for filing the actual appeal. Hence—we introduced the confusion—and apologize.

[. . .]

NOTICE OF APPEAL

IN THE COMMONWEALTH COURT OF
HARRISBURG, PENNSYLVANIA
CIVIL DIVISION

LEAH HOOPES, GREGORY STENSTROM,

Plaintiffs,

v.

FORMER SECRETARY OF STATE
KATHY BOOCKVAR, in Her Official and
Individual Capacity, ET AL.,

Defendants.

CIVIL LAW

RE: CV-2022-000032

NOTICE OF APPEAL

Notice is hereby given that Petitioners Gregory Stenstrom and Leah Hoopes, both Pro Se, hereby appeal to The Commonwealth Court from the judgment in this action and from the final order of this Court for CV-2022-000032, entered on the 15th day of July, 2022, denying Petitioner's complaint and motions for declaratory, injunctive, mandamus, quo warranto, and any and all other legal remedies available pursuant to law, and other relief, from multiple civil and criminal violations committed by named public officials to perpetrate election fraud.

/s/ Leah Hoopes
241 Sulky Way
Chadds Ford, PA 19317
leahfreedelcopa@protonmail.com

/s/ Gregory Stenstrom
Date: 14AUG2022
1541 Farmers Lane
Glen Mills, PA 19342
gstenstrom@xmail.net

**Certification of Compliance with the Case
Records Public Access Policy of the Unified
Judicial System of Pennsylvania. Pa.R.A.P.127**

I certify that this filing complies with the provisions of the Case Records Public Access Policy of the

Unified Judicial System of Pennsylvania that require filing confidential information and documents differently than nonconfidential information and documents.

Respectfully submitted:

/s/ Leah Hoopes
Date: 02Nov2022
241 Sulky Way
Chadds Ford, PA 19317
leahfreedelcopa@protonmail.com

/s/ Gregory Stenstrom
Date: 02Nov2022
1541 Farmers Lane
Glen Mills, PA 19342
gstenstrom@xmail.net

**Statement regarding Transcript for Appeal to
Commonwealth Court of Pennsylvania**

There were no hearings, or proceedings, and hence no transcript for CV-2022-000032

/s/ Leah Hoopes
241 Sulky Way
Chadds Ford, PA 19317
leahfreedelcopa@protonmail.com

/s/ Gregory Stenstrom
1541 Farmers Lane
Glen Mills, PA 19342
gstenstrom@xmail.net

**DEFECT CORRECTION NOTICE
(OCTOBER 20, 2022)**

COMMONWEALTH COURT OF PENNSYLVANIA

Docket No.: 876 CD 2022

Case Name: Leah Hoopes and Gregory Stenstrom v.
Kathy Boockvar, et al.

This office has received your recent filing(s). Before further action can be taken on your filing(s), the following corrections or additions are necessary (see checked blocks):

- ☒ Filing(s) (Notice of Appeal)
must have a proof of service. Pa.R.A.P. 121, 122, 906, 1514(c).
- ☒ Proof of service must identify the party/parties each attorney represents. Pa.R.A.P. 122(b)
- ☒ Notice of appeal must be served upon trial court judge and court reporter. Pa.R.A.P. 906.
- ☒ Notice of appeal must include a request for transcript OR a statement that there is no verbatim record of the proceedings that OR the complete transcript has been lodged of record. Pa.R.A.P. 904(c), 1911.
- ☒ Filing must include a certification of compliance with the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania. Pa.R.A.P. 127.
- ☒ Other: Please see comments on page 2.

Return this form along with the corrections indicated above within 14 days of the date of this notice to:

Prothonotary
Commonwealth Court of Pennsylvania
601 Commonwealth Avenue, Suite 2100
P.O. Box 69185
Harrisburg, PA 17106-9185

If we do not receive your corrected filing within 14 days of the date of this notice, this matter will be considered abandoned and may be dismissed.

Pennsylvania Rules of Appellate Procedure (Pa.R.A.P.)—The Pennsylvania Rules of Appellate Procedure (Pa.R.A.P.) are available in any county law library or online at <https://www.pacode.com/secure/data/210/partltoc.html>.

Proof of Service—Any time you file papers with the Court, including a notice of appeal, petition for review, and all subsequent filings, you must send a copy to all other parties and provide a proof of service to the Court. You must send the copies in accordance with the applicable Rules of Appellate Procedure. The certificate of service, which states that you have made service as required by the rules and lists the names and complete addresses that you used to send the papers, must be attached to all papers that you file with the Court. Pa.R.A.P. 121, 122.

For a notice of appeal, you must serve 1) all parties to the matter in the trial court, 2) the trial court judge, 3) the official court reporter (whether or not an order for transcript accompanies the papers), and 4) the district court administrator or other person designated by the administrator. Pa.R.A.P. 906.

For a petition for review, you must serve 1) the agency, 2) the Attorney General of Pennsylvania, and 3) all other parties who participated before the agency. Pa.R.A.P. 1514(c). In addition, a petition for review of a decision of the Board of Finance and Revenue (tax appeal) must be served on the Department of Revenue. Pa.R.A.P. 1571(d).

Case Records Public Access Policy of the Unified Judicial System of Pennsylvania—Any time you file papers with the Court, the papers must be accompanied by a certification of compliance with the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* (Public Access Policy). Pa.R.A.P. 127. The Public Access Policy and related forms and information are available Online at <http://www.pacourts.us/public-records/public-records-policies>. It is very important that you review and follow the Public Access Policy because it requires you to protect sensitive personal information in Court filings.

Comments:

First your Notice of Appeal (NOA) must include (1) a request for transcript; or (2) a statement that there is no verbatim record of the proceedings; or (3) indication that the complete transcript has been lodged of record. Please correct your NOA as appropriate to your situation.

Second, you must have a proof of service. You must send a copy of (also referred to as “serve”.) Your NOA to all the other parties (or their attorneys) the trial court judge and the trial court reporter that were involved in the action before the trial court. A proof of service form showing how (i.e., hand delivery, US Mail,

etc.,) and where (i.e., the address) you served the NOA on the other parties and court officials must be filed with this Court.

The above actions and your corrected NOA, must be filed with this Court within 14 days of the date of this Notice.

EXHIBIT B.9

- Numbered pages for transmission of docket to Appellate Court(s) in compliance with Rules of Civil Procedure for New Appeals and in response to order (implied or actual) by Commonwealth Court of Pennsylvania
- Only transmittal document pages 29-through-36 comprising the numbering of docket entries are included herein (pages 59-through-65 of this 66-page motion)
- Note that “Financials – Receipts” required by Rule 905(b) have been omitted from the numbered documents transmitted to the appellate court(s).

CIVIL DOCKET REPORT

DELAWARE COUNTY COURT OF COMMON PLEAS

Case#: CV-2022-000032
Case Title: Moton et al v. Boockvar, Kathy et al
Judge: John J. Whelan
Case Type: Civil-Miscellaneous-Civil Miscellaneous;
Other

Case Parties

Defendant

Parks, James Manly
5925 Greene Street
Apt 15
Philadelphia PA 19144

#	Filed Date	Pleadings Filed, Orders and Decrees	Description
---	------------	--	-------------

- 1 01/01/2022 12:20 AM
Commenced by complaint
Complaint
- 2 01/06/2022 10:02 AM
Financials – Receipt
Receipt #000447152 for \$297.25 paid for by
THOMAS J CARROLL
- 3 01/26/2022 01:03 PM
Affidavit – Affidavit of Service
Affidavit of Service
- 4 01/26/2022 01:04PM

- Affidavit – Affidavit of Service
Affidavit of Service
- 5 01/26/2022 01:04PM
Affidavit – Affidavit of Service
Affidavit of Service
- 6 01/26/2022 01:04PM
Affidavit – Affidavit of Service
Affidavit of Service
- 7 02/03/2022 10:41 AM
Miscellaneous – Entry of Appearance for
Defendant
Entry of Appearance for Defendant
- 8 02/03/2022 04:19 PM
Financials – Receipt
Receipt #000452297 for \$50.00 paid for by
Stephen Kovatis
- 9 02/07/2022 12:29 PM
Miscellaneous – Entry of Appearance
Entry of Appearance of Elizabeth V. Wingfield for
Defendants
- 10 02/07/2022 12:35 PM
Miscellaneous – Entry of Appearance
Entry of Appearance of Edward D. Rogers for
Defendants
- 11 02/07/2022 04:44 PM
Preliminary Objection – Preliminary Objections
DEFENDANT KATHY BOOCKVAR’S
PRELIMINARY OBJECTIONS TO
PLAINTIFF’S COMPLAINT

- 12 02/07/2022 05:12 PM
Preliminary Objection – Preliminary Objections
DEFENDANT'S PRELIMINARY OBJECTIONS
TO PLAINTIFF'S COMPLAINT
- 13 02/09/2022
Financials – Receipt
Receipt #000452948 for \$50.00 paid for by
EDWARD D ROGERS
- 14 02/09/2022
Financials – Receipt
Receipt #000452948 for \$50.00 paid for by
Stephen Kovatis
- 15 02/16/2022 11:38 PM
Affidavit – Affidavit of Service
Affidavit of Service
- 16 02/22/2022 01:33 PM
Affidavit – Affidavit of Service
Affidavit of Service
- 17 02/28/2022 10:13 AM
Certificate – Certificate of Service
Certificate of Service
- 18 02/28/2022 10:26 AM
Certificate – Certificate of Service
Certificate of Service
- 19 02/28/2022 09:56 PM
Answer – Plaintiff's Reply to Preliminary
Objections
Plaintiff's Reply to Preliminary Objections

- 20 02/28/2022 10:19 PM
Answer – Plaintiff's Reply to Preliminary
Objections
Plaintiff's Reply to Preliminary Objections
- 21 02/28/2022 10:22 PM
Miscellaneous – Correspondence Filed
Correspondence Filed
- 22 03/11/2022 09:46 AM
Affidavit – Affidavit of Service
Affidavit of Service
- 23 03/11/2022 09:46 AM
Affidavit – Affidavit of Service
23 Affidavit of Service
- 24 04/08/2022 04:44 PM
Motion – Motion for Sanctions
Motion for Sanctions
- 25 04/08/2022 05:36 PM
Motion – Motion for Sanctions
Motion for Sanctions
- 26 04/11/2022 02:13 PM
Financials – Receipt
Receipt #000463659 for \$26.00 paid for
Elizabeth Victoria Wingfield
- 27 04/11/2022 02:31 PM
Financials – Receipt
Receipt #000463669 for \$26.00 paid for Stephen
Kovatis

- 28 05/02/2022 03:47 PM
Answer – Answer/Response to Motion/Petition
Answer/Response to Motion/Petition
- 29 05/02/2022 11:56 PM
Answer – Answer/Response to Motion/Petition
Answer/Response to Motion/Petition
- 30 05/03/2022 03:52 PM
Answer – Answer/Response to Motion/Petition
Answer/Response to Motion/Petition
- 31 05/03/2022 03:53 PM
Answer – Answer/Response to Motion/Petition
Answer/Response to Motion/Petition
- 32 05/19/2022 08:42 AM
Memorandum – Memorandum
Memorandum
- 33 06/08/2022 11:58 PM
Answer – Amended Sur Reply
Amended Sur Reply
- 34 06/23/2022 06:38 PM
Notice – Notice
Notice
- 35 06/30/2022 03:53 PM
Practice – Practice to Attach
Practice to Attach Exhibits
- 36 07/08/2022 03:50 PM
Miscellaneous – Correspondence Filed
Correspondence Filed

- 37 07/15/2022 04:09 PM
Order - Order
Order 236 Notice of Order Sent on 7/15/2022;
Signed by Judge Whelan on 7/8/2022
- 38 07/15/2022 04:10 PM
Order - Order
Order 236 Notice of Order Sent on 7/15/2022;
Signed by Judge Whelan on 7/8/2022
- 39 07/15/2022 04:11 PM
Order - Order
Order 236 Notice of Order Sent on 7/15/2022;
Signed by Judge Whelan on 7/8/2022
- 40 07/26/2022 12:41 PM
Petition – Petition for Reconsideration
Petition for Reconsideration
- 41 07/26/2022 12:52 PM
Financials – Receipt
Receipt #000482874 for \$17.50 paid for by
THOMAS J CAROLL
- 42 08/08/2022 04:53 PM
Miscellaneous – Entry of Appearance Self
Represented Party
Entry of Appearance Self Represented Party
- 43 08/10/2022 01:14 PM
Motion – Motion
Motion-MOTION TO NOT JOIN IN MOTION
FOR RECONSIDERATION

- 44 08/14/2022 10:44 AM
Certificate – Certificate of Service
Certificate of Service
- 45 08/14/2022 10:50 AM
Certificate – Certificate of Service
Certificate of Service
- 46 08/14/2022 01:27 PM
Notice – Notice of Appeal and Certification of Service
Notice of Appeal and Certification of Service
- 47 08/15/2022 10:08 AM
Certificate – Certificate of Service
Certificate of Service
- 48 08/15/2022 03:15 PM
Notice – Notice of Appeal and Certification of Service
Notice of Appeal and Certification of Service
- 49 08/15/2022 03:46 PM
Memorandum – Memorandum of Law
Memorandum of Law
- 50 08/15/2022 04:04 PM
Memorandum – Memorandum of Law
DEFENDANT'S RESPONSE IN OPPOSITION
TO MOTION FOR RECONSIDERATION
- 51 08/15/2022 10:12 PM
Motion – Motion for Sanctions
DEFENDANT'S SECOND MOTION FOR
SANCTIONS

- 52 08/16/2022 11:27 AM
Financials – Receipt
Receipt #000486631 for \$63.25 paid for by
CARROLL, THOMAS J
- 53 08/16/2022 01:33 PM
Financials – Receipt
Receipt #000486679 for \$26.00 paid for by
Elizabeth Victoria Wingfield
- 54 08/22/2022 12:04 PM
Financials – Receipt
Receipt #000487692 for \$63.25 paid for by Leah
Hoopes
- 55 09/05/2022 10:34 PM
Answer – Answer/Response to Motion/Petition
Answer/Response to Motion/Petition
- 56 09/06/2022 06:33 PM
Verification – Verification
Verification
- 57 09/06/2022 06:33 PM
Certificate – Certificate of Service
Certificate of Service
- 58 09/06/2022 06:33 PM
Answer – Plaintiff's Reply
Plaintiff's Reply
- 59 09/06/2022 10:41 PM
Miscellaneous – Entry of Appearance for
Defendant
Entry of Appearance of Clayton Kelr for
Defendant

- 60 09/07/2022 01:31 PM
Answer – Defendant’s Reply
Defendant’s Reply
- 61 09/12/2022 11:05 PM
Motion – Motion for Sanctions
DEFENDANT KATHY BOOCKVAR’S
RENEWED MOTION FOR SANCTIONS
- 62 09/13/2022 11:55 AM
Certificate – Certificate of Service
Certificate of Service e/filed
- 63 09/13/2022 12:38 PM
Financials – Receipt
Receipt #000491258 for \$26.00 paid for by
Stephen Kovatis
- 64 09/13/2022 03:46 PM
Answer – Answer/Response to Motion/Petition
Answer/Response to Motion/Petition
- 65 09/16/2022 02:42 PM
Order – Order/Motion for Sanctions
Order/Dfnt(s) Motion for Sanctions DISMISSED
WITHOUT PREJUDICE; 236 Notice of Order
Sent 09/16/2022; (J. WHELAN) THREE ORDERS
- 66 09/16/2022 02:44 PM
Order – Order/Motion for Sanctions
Order/Dfndt(s) Second Motion for Sanctions DIS-
MISSED WITHOUT PREJUDICE; 236 Notice of
Order Sent 09/16/2022; (J. WHELAN)

- 67 09/16/2022 02:46 PM
Order – Order Denying Motion for
Reconsideration
Order Denying Plntff(s) Motion for
Reconsideration; 236 Notice of Order Sent
09/16/2022; (J. WHELAN)
- 68 10/26/2022 12:27 PM
Service – Proof of Service
Proof of Service
- 69 10/26/2022 12:27 PM
Notice – Notice of Appeal and Certification of
Service
Notice of Appeal and Certification of Service
- 70 10/26/2022 12:27 PM
Certificate – Certificate
Certificate
- 71 11/21/2022 02:00 PM
Opinion – Opinion
OJS 236 Notice of Opinion Sent per Judge
Whelan on 11/21/22
- 72 12/01/2022 03:22 PM
Appeal – Transmittal of Record to the Appellate
Court
Transmittal of Record to the Appellate Court
- 73 12/01/2022 03:23 PM
Opinion – Opinion
OJS 236 Notice of Opinion Sent per Judge
John J. Whelan on 12-01-22

ALL FILINGS ARE LISTED END OF DOCUMENT

Enlargement of timestamp at bottom right of final page of record of numbered pages in transmission of docket in compliance with Rules of Civil Procedure for New Appeals and in response to order (implied or actual) by Commonwealth Court of Pennsylvania

Page 36 of 36

FILED

12-01-2022 03:23 PM

OFFICE OF JUDICIAL SUPPORT
DELAWARE COUNTY, PA

**EXHIBIT C: ORDER OF THE COURT OF
COMMON PLEAS OF DELAWARE COUNTY
(JANUARY 31, 2023)**

IN THE COURT OF COMMON PLEAS OF
DELAWARE COUNTY, PENNSYLVANIA
CIVIL DIVISION

RUTH MOTON, ET AL.,

v.

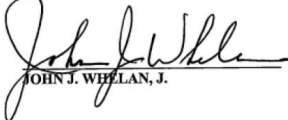
KATHY BOOCKVAR, ET AL.,

No: 2022-000032

Before: John J. WHELAN, Judge.

AND NOW, this 31st day of January, 2023, upon consideration of the “Motion for Post Notice of Appeal Amended Opinion be Stricken, and Curated Docket be Restored and Retransmitted to Appellate Court” being filed in the above captioned case, and Petitioner having filed a Notice of Appeal to the Commonwealth Court of Pennsylvania, and said appeal not having yet been determined, and this court no longer having jurisdiction over said case, it is ORDERED that said motion shall be and the same hereby is DENIED without prejudice.

THE COURT:


JOHN J. WHELAN, J.

BY THE COURT:

/s/ John J. Whelan, J.