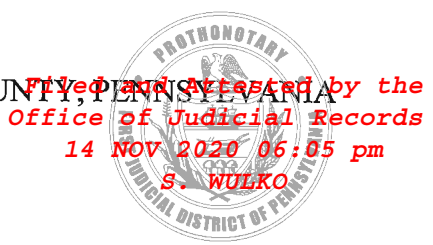


IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY, PENNSYLVANIA



IN RE: CANVASS OF ABSENTEE AND
MAIL-IN BALLOTS OF NOVEMBER 3,
2020 GENERAL ELECTION

No. 201100874

November Term, 2020

NOTICE OF APPEAL

Notice is hereby given that Donald J. Trump for President, Inc.

Above named, hereby appeals to the:

- Superior Court
- Commonwealth Court
- Supreme Court

of Pennsylvania, from the Order entered in the above case,

on the 13th day of November, 2020.

Respectfully submitted,

/s/ Linda A. Kerns

Linda A. Kerns, Esquire
Law Offices of Linda A. Kerns, LLC
Attorney ID 84495
1420 Locust Street, Suite 200
Philadelphia, PA 19102
T: 215-731-1413
lak@lindakernslaw.com

and

/s/ Ronald L. Hicks, Jr.

Ronald L. Hicks, Jr. (PA #49520)
Six PPG Place, Third Floor
Pittsburgh, PA 15222
(412) 235-4500 (Telephone)
(412) 235-4510 (Fax)
rhicks@porterwright.com

Counsel for Plaintiff Donald J. Trump for
President, Inc.



**Request for Transcript or Copy
Philadelphia County**

Request Form must be emailed to: transcripts@courts.phila.gov

Pursuant to Pa.R.J.A. 4007(A), this form must be completed by any person requesting a transcript for any court proceeding. Additional requirements may be found in the local rules of court for each judicial district. Local rules may be found by following the appropriate link at: <http://www.pacourts.us/courts/courts-of-common-pleas/>. If the cost of the transcript presents an economic hardship, there are reduced rates available to those who qualify. See Pa.R.J.A. 4007 (E). Copies of this request must be served in accordance with Pa.R.J.A. 4007(B). A deposit in the amount of 95% of the estimated cost of the transcript is required. All payments must be by check or money order payable to: "First Judicial District of Pennsylvania-Transcripts." No cash payments will be accepted. Direct payments to court reporters are not permitted.

I. Case Information				
In re Canvass of Absentee and Mail In Ballots of Nov 3 General		201100874/875/876/877/878		
Case Caption Crumlish		Docket Number Traffic Court/Zoom		
Presiding Judge or Arraignment Court Magistrate November 13, 2020		Courtroom		
Date(s) of Proceeding Jennifer Venneri/jennifer.venneri@courts.phila.gov		Co-Defendant docket # (If applicable)		
Court Reporter Name (If available)				
Type of proceeding: (check the appropriate box)				
<input type="checkbox"/> Criminal <input type="checkbox"/> Civil <input type="checkbox"/> Family <input type="checkbox"/> Orphans' Court <input type="checkbox"/> Juvenile <input checked="" type="checkbox"/> Other: (specify) <u>ELECTION LAW MATTER</u>				
Is this transcript request associated with an appeal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Children's Fast Track <input type="checkbox"/> Yes <input type="checkbox"/> No				
II. Requestor Information				
I am Counsel for Donald J. Trump for President, Inc. <input type="checkbox"/> Self-Represented <input type="checkbox"/> Not a party to this action				
Court Appointed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
Does this request qualify for a reduced rate pursuant to Rule 4007(E)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
If Yes, please provide proof of authorization for a reduced rate or an affidavit required by Rule 4008(B)(4) requesting waiver of all or a portion of the costs.				
Linda A. Kerns, Esquire/84495				
Name of requestor/Attorney ID Number (if applicable)				
Law Offices of Linda A. Kerns, LLC				
Agency/Firm				
1420 Locust Street, Suite 200, Philadelphia, PA 19102				
Street Address		City	State	Zip
linda@lindakernslaw.com		215-731-1400	215-701-4154	
Email		Phone	Fax	
III. Transcript Items Requested <input type="checkbox"/> Check if Digital Recording				
<input checked="" type="checkbox"/> Entire proceeding <input type="checkbox"/> Jury Voir Dire <input type="checkbox"/> Opening statements <input type="checkbox"/> Closing arguments <input type="checkbox"/> Jury Instructions				
<input type="checkbox"/> Testimony (specify each witness):				
<input type="checkbox"/> Pre/Post trial hearing (specify):				
<input type="checkbox"/> Preliminary Arraignment <input type="checkbox"/> Other (specify):				
IV. Private Party Transcript Delivery and Cost				
For original transcript requests, please select from the following:				
Delivery Time:	<input type="checkbox"/> Original/Ordinary	<input type="checkbox"/> Expedited	<input type="checkbox"/> Daily	<input checked="" type="checkbox"/> Same Day
Cost per page	\$3.00 page	\$4.50 per page	\$6.00 per page	\$9.00 per page
Manner of Delivery:	<input checked="" type="checkbox"/> Electronic (PDF) format		<input type="checkbox"/> Hard Copy	
Other (if offered, extra charges may apply): <input type="checkbox"/> Real-time \$11.00 per page <input type="checkbox"/> Real Time Streaming - \$250.00 per day				
Special requests (if offered): <input type="checkbox"/> Word Index <input type="checkbox"/> ASCII <input type="checkbox"/> Other: _____				
Are you requesting a copy of an existing transcript? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (For Rates, please see Phila.R.J.A. No. *4008)				

Requestor's Name _____

11.14.2020
Date _____

IN RE: CANVASS OF ABSENTEE AND MAIL-IN
BALLOTS OF NOVEMBER 3, 2020 GENERAL
ELECTION

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

NOVEMBER TERM, 2020

No. 201100874

ORDER

AND NOW, to-wit, this 13th day of November, 2020, upon consideration of Petitioner Donald J. Trump for President, Inc.'s Notice of Appeal via Petition for Review of the Decision of the Philadelphia County Board of Elections, the response of the Philadelphia County Board of Elections and the submissions on behalf of Intervenor, DNA Services Corp./Democratic National Committee and the arguments of counsel, it appearing that Petitioner has properly and timely sought review of the decision of the Board of Elections pursuant to 25 Pa. C.S.A. §3146(g)(6), it further appearing that Petitioner is not contending that there has been fraud, that there is evidence of fraud or that the ballots in question were not filled out by the elector in whose name the ballot was issued, and it further appearing that Petitioner does not allege fraud or irregularity in the canvass and counting of the ballots, and the Court finding that the Intervenor's Objection to the consideration of the appeal as an "eligibility challenge" pursuant to 25 Pa. C.S.A. §3146.8 is a mischaracterization of the above-referenced review (and therefore a meritless objection), the Court finds as follows:

1. Petitioner asserts a challenge to the decision of the Board of Elections to count the votes represented in the grouping designated Category 3, those being 1,211 ballots on

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which the outer envelope contains only the Elector's signature but which do not have the date, printed name or the elector's address filled out in the space provided.

2. The envelope provided to the elector from the Secretary of State of the Commonwealth contains a direction in the form of a checklist on the back of the envelope that directs the elector to sign the declaration, but makes no mention of filling out the date or other information.
3. The Election Code provides that a voter shall "fill out, date and sign the declaration" on the outer envelope.
4. The term "fill out" in the Code is not a defined term and is ambiguous.
5. The pre-printed ballot already contains the elector's name and address on the pre-printed exterior envelope.
6. Neither a date nor the elector's filling out of the printed name or of the address are requirements necessary to prevent fraud.
7. The Petitioner concedes that all ballots by a qualified elector in this category were timely received.
8. The Election Code directs the Court of Common Pleas in considering appeals from the County Board of Elections to make such decree as right and justice may require.
25 Pa. C.S.A. §3157.

WHEREFORE, the Court ORDERS and DECREES that the Petition is **DENIED**. The Court further ORDERS AND DECREES that the decision of the Philadelphia County Board of Elections in canvassing and counting 1,211 absentee and mail-in ballots containing the elector's signature on the Declaration envelope but missing the date and other "fill out" information is

AFFIRMED as in accordance with the provisions of the Election Code and the decisions of the Courts interpreting the Code.

BY THE COURT,

A handwritten signature in cursive script, appearing to read "Crumlish, J.", written over a horizontal line.

Crumlish, J.