

## Commonwealth Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 1161 CD 2020

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November 22, 2021



## CAPTION

In Re: Allegheny County Provisional  
Ballots in the 2020 General Election

Appeal of: Nicole Zicarelli

## CASE INFORMATION

Initiating Document:	Notice of Appeal		
Case Status:	Closed		
Case Processing Status:	November 23, 2020	Completed	
Journal Number:	SE-4-2020		
Case Category:	Election	Case Type(s):	Election

## CONSOLIDATED CASES

## RELATED CASES

## COUNSEL INFORMATION

Appellant Zicarelli, Nicole

Pro Se: No

IFP Status:

Attorney:	Haverstick, Matthew Hermann	
Law Firm:	Kleinbard, LLC	
Address:	Kleinbard LLC 1717 Arch St 5th Fl Philadelphia, PA 19103	
Phone No:	(215) 496-7225	Fax No:

Attorney:	White, Casey David	
Address:	Burns White LLC 48 26TH St Pittsburgh, PA 15222	
Phone No:	(412) 995-3270	Fax No:

Attorney:	Voss, Joshua John	
Law Firm:	Kleinbard, LLC	
Address:	Kleinbard LLC 1717 Arch St Fl 5th Philadelphia, PA 19103	
Phone No:	(267) 443-4114	Fax No:

Attorney:	Vance, Shohin Hadizadeh	
Law Firm:	Kleinbard, LLC	
Address:	Kleinbard LLC 1717 Arch St 5th Fl Philadelphia, PA 19103	
Phone No:	(215) 568-2000	Fax No:

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## COUNSEL INFORMATION

**Appellant**      **Zicarelli, Nicole**

Pro Se:                No

IFP Status:

Attorney:                Zimmer, Samantha G.  
 Law Firm:                Kleinbard, LLC  
 Address:                 Kleinbard LLC  
                                   1717 Arch St 5th Fl  
                                   Philadelphia, PA 19103

Phone No:                (570) 352-8367                                Fax No:

**Appellee**      **Pennsylvania Democratic Party**

Pro Se:                No

IFP Status:

Attorney:                Attisano, Marco Santino  
 Law Firm:                Attisano & Romano, LLC  
 Address:                 Attisano & Romano LLC  
                                   429 Fourth Ave Ste 1705  
                                   Pittsburgh, PA 15219

Phone No:                (412) 336-8622                                Fax No:

Attorney:                Healey, Michael James  
 Law Firm:                Healey Block LLC  
 Address:                 Healey Block & Hornack Pc  
                                   247 Fort Pitt Blvd Fl 4  
                                   Pittsburgh, PA 15222

Phone No:                (412) 391-7711                                Fax No:

Attorney:                Levine, Clifford B.  
 Law Firm:                Dentons Cohen & Grigsby, PC  
 Address:                 Dentons Cohen & Grigsby P.c.  
                                   625 Liberty Ave  
                                   Pittsburgh, PA 15222

Phone No:                (412) 297-4998                                Fax No:

Attorney:                Semroc, Kyle John  
 Law Firm:                Dentons Cohen & Grigsby, PC  
 Address:                 Dentons Cohen & Grigsby Pc  
                                   625 Liberty Ave 5th Fl  
                                   Pittsburgh, PA 15222-3152

Phone No:                (412) 297-4646                                Fax No:



COUNSEL INFORMATION

Appellee Brewster, James

Pro Se: No

IFP Status:

Attorney: Attisano, Marco Santino
Law Firm: Attisano & Romano, LLC
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429 Fourth Ave Ste 1705
Pittsburgh, PA 15219

Phone No: (412) 336-8622 Fax No:

Attorney: Healey, Michael James
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Phone No: (412) 391-7711 Fax No:

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Phone No: (412) 297-4998 Fax No:

Attorney: Semroc, Kyle John
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## COUNSEL INFORMATION

**Appellee Allegheny County Board of Elections**

Pro Se: No

IFP Status:

Attorney: Szefi, Andrew Francis  
 Law Firm: Allegheny County Law Department  
 Address: Allegheny County Law Dept  
 300 Fort Pitt Commons  
 445 Fort Pitt Blvd  
 Pittsburgh, PA 15219-1327  
 Phone No: (412) 350-1128 Fax No:

Attorney: Scott, Virginia Spencer  
 Law Firm: Allegheny County Law Department  
 Address: Allegheny County Law Dept  
 445 Fort Pitt Blvd  
 Pittsburgh, PA 15219-1327  
 Phone No: (412) 350-1173 Fax No:

Attorney: Janocsko, George M.  
 Law Firm: Allegheny County Law Department  
 Address: 300 Fort Pitt Cmns  
 445 Fort Pitt Blvd  
 Pittsburgh, PA 15219  
 Phone No: (412) 350-1132 Fax No:

Attorney: Liebenguth, Frances Marie  
 Law Firm: Allegheny County Law Department  
 Address: Allegheny Co Law Dept  
 445 Ft Pitt Blvd # 300  
 Pittsburgh, PA 15219  
 Phone No: (412) 419-7068 Fax No:

**Other Kotula, Kathleen Marie**

Pro Se: No

IFP Status:

Attorney: Kotula, Kathleen Marie  
 Law Firm: Pennsylvania Department of State  
 Address: Bureau of Commissions, Elections and Legislation  
 306 North Office Building  
 Harrisburg, PA 17120  
 Phone No: (717) 783-0736 Fax No: (717) 214-9899

## FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
11/18/2020	Notice of Appeal	90.25	11/24/2020	2020-CMW-H-002234	90.25

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## AGENCY/TRIAL COURT INFORMATION

Order Appealed From: November 18, 2020      Notice of Appeal Filed: November 18, 2020  
 Order Type: Order  
 Documents Received: November 18, 2020

Court Below: Allegheny County Court of Common Pleas  
 County: Allegheny      Division: Allegheny County Civil Division  
 Judge: James, Joseph M.      OTN:  
 Docket Number: GD 20-011793      Judicial District: 05

## ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description
Trial Court Opinion	November 19, 2020	
Trial Court Record	November 19, 2020	
Testimony	November 19, 2020	

Date of Remand of Record: January 21, 2021

## BRIEFING SCHEDULE

Appellant	Appellee
<b>Zicarelli, Nicole</b>	<b>Allegheny County Board of Elections</b>
<b>Brief</b>	<b>Brief</b>
Due: December 29, 2020      Filed: November 19, 2020	Due:      Filed: November 19, 2020
	<b>Brewster, James</b>
	<b>Brief</b>
	Due:      Filed: November 19, 2020
	<b>Pennsylvania Democratic Party</b>
	<b>Brief</b>
	Due:      Filed: November 19, 2020

## DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>November 18, 2020</b>	Notice of Appeal Filed Zicarelli, Nicole		Appellant	
<b>November 19, 2020</b>	Trial Court Record Received Allegheny County Civil Division			
<b>November 19, 2020</b>	Transcripts of Testimony Allegheny County Civil Division			
<b>November 19, 2020</b>	Trial Court Opinion Received Allegheny County Civil Division			

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## DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>November 19, 2020</b>	Order Filed Per Curiam			11/19/2020
	Document Name: NOW, November 19, 2020, it is ordered as follows: Comment:			
	1. The parties shall file and serve simultaneous briefs on the merits of the appeal (4 copies) on or before 3:00 p.m. on November 19, 2020, in the Prothonotary's Office in Harrisburg. Briefs and other filings should be filed via PACFile (the Pennsylvania appellate court electronic filing system) OR by email to CommCourtFiling@pacourts.us. Briefs may also be filed in person in the Prothonotary's Office with advance notice by appointment by calling 717-255-1650.			
	2. Appellant is excused from filing a Reproduced Record.			
	3. This appeal shall be submitted for decision on the briefs filed without oral argument, unless otherwise ordered.			
	4. In addition to transmitting and mailing copies of this order to counsel of record and any prose party, the Prothonotary is directed to transmit and mail a copy to the Department of Court Records - Civil of the Court of Common Pleas of Allegheny County and to Judge Joseph M. James of that Court.			
<b>November 19, 2020</b>	Entry of Appearance Zimmer, Samantha G.	Zicarelli, Nicole	Appellant	
	Document Name: Atty. Samantha Zimmer for Appellant Nicole Zicarelli			
<b>November 19, 2020</b>	Appellant's Brief Filed Zicarelli, Nicole		Appellant	
<b>November 19, 2020</b>	Appellee's Brief Filed Pennsylvania Democratic Party Brewster, James		Appellee Appellee	
<b>November 19, 2020</b>	Appellee's Brief Filed Allegheny County Board of Elections		Appellee	
<b>November 19, 2020</b>	Entry of Appearance Liebenguth, Frances Marie	Allegheny County Board of Elections	Appellee	
	Document Name: Atty Liebenguthh for Allegheny Board of Elections			
<b>November 19, 2020</b>	Entry of Appearance Janocko, George M.	Allegheny County Board of Elections	Appellee	
	Document Name: George M. Janocko, Esq. on behalf of Allegheny Co. Bd. of Elections			
<b>November 19, 2020</b>	Letter Voss, Joshua John	Zicarelli, Nicole	Appellant	
<b>November 20, 2020</b>	Entry of Appearance Scott, Virginia Spencer	Allegheny County Board of Elections	Appellee	
	Document Name: Virginia S. Scott, Esq. on behalf of Allegheny Co. Bd. of Elections			

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## DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>November 20, 2020</b>	Reversed/Remanded McCullough, Patricia A.			11/20/2020
	Document Name: Memorandum Opinion (17 pages) AND NOW, this 20th day of November, 2020, the Comment: November 18, 2020 order of the Court of Common Pleas of of Allegheny County is hereby REVERSED, and this matter is REMANDED to the court of common pleas for further proceedings in accordance with the accompanying opinion.			
<b>November 20, 2020</b>	Petition for Allowance of Appeal to PA Supreme Court Filed Allegheny County Board of Elections		Appellee	
	Document Name: 338 WAL 2020 Comment: 338 WAL 2020			
<b>November 23, 2020</b>	Order Denying Petition for Allowance of Appeal to PA Supreme Court Per Curiam			11/23/2020
	Document Name: 338 WAL 2020 Comment: 338 WAL 2020			
<b>January 21, 2021</b>	Remitted Commonwealth Court Filing Office			
	Document Name: PACFiled Record. No acknowledgement needed.			

## SESSION INFORMATION

Journal Number: SE-4-2020  
 Consideration Type: Submitted on Briefs  
 Listed/Submitted Date: November 19, 2020

## Panel Composition:

The Honorable P. Kevin Brobson	Judge
The Honorable Patricia A. McCullough	Judge
The Honorable Michael H. Wojcik	Judge

## DISPOSITION INFORMATION

Final Disposition: Yes

Related Journal No: Judgment Date:

Category: Decided Disposition Author: McCullough, Patricia A.

Disposition: Reversed/Remanded Disposition Date: November 20, 2020

Disposition Comment: November 18, 2020 order of the Court of Common Pleas of of Allegheny County is hereby REVERSED, and this matter is REMANDED to the court of common pleas for further proceedings in accordance with the accompanying opinion.

Dispositional Filing: **Memorandum Opinion** Filing Author: McCullough, Patricia A.  
 Filed Date: 11/20/2020 12:00:00AM

Dispositional Filing: **Dissenting Opinion** Filing Author: Wojcik, Michael H.  
 Filed Date: 11/20/2020 12:00:00AM

## REARGUMENT / RECONSIDERATION / REMITTAL

1:18 P.M.

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Filed Date:

Disposition:

Disposition Date:

Record Remittal: January 21, 2021

