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LINDA A. KERNS (PA, NJ, LLM IN TAXATION)

November 14, 2020

Via Electronic Mail Only

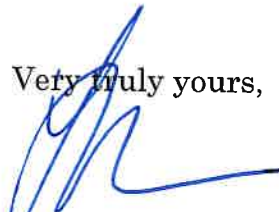
All Counsel
Court Reporters

**Re: In re: Canvass of Absentee and Mail-in Ballots of November 3,
2020 General Election**

Dear Sir or Madam:

Kindly see attached Notices of Appeal being filed today. All counsel will also received notice via the e-file system.

Very truly yours,



LINDA A. KERNS

LAK/la

Attachments

cc: Donald J. Trump for President, Inc.

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			
<i>Case Caption</i>	<i>Docket Number</i>			
Crumlish	Traffic Court/Zoom			
<i>Presiding Judge or Arraignment Court Magistrate</i>	<i>Courtroom</i>			
November 13, 2020				
<i>Date(s) of Proceeding</i>	<i>Co-Defendant docket # (If applicable)</i>			
Jennifer Venneri/jennifer.venneri@courts.phila.gov				
<i>Court Reporter Name (If available)</i>				
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) ELECTION LAW MATTER				
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				
<i>Court Appointed?</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
<i>Does this request qualify for a reduced rate pursuant to Rule 4007(E)?</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
<i>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.</i>				
Linda A. Kerns, Esquire/84495				
<i>Name of requestor/Attorney ID Number (if applicable)</i>				
Law Offices of Linda A. Kerns, LLC				
<i>Agency/Firm</i>				
1420 Locust Street, Suite 200, Philadelphia, PA 19102				
<i>Street Address</i>	<i>City</i>	<i>State</i>	<i>Zip</i>	
linda@lindakernslaw.com	215-731-1400		215-701-4154	
<i>Email</i>	<i>Phone</i>	<i>Fax</i>		
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:				
<i>Delivery Time:</i>	<input type="checkbox"/> Original/Ordinary	<input type="checkbox"/> Expedited	<input type="checkbox"/> Daily	<input checked="" type="checkbox"/> Same Day
<i>Cost per page</i>	\$3.00 page	\$4.50 per page	\$6.00 per page	\$9.00 per page
<i>Manner of Delivery:</i>	<input checked="" type="checkbox"/> Electronic (PDF) format <input type="checkbox"/> Hard Copy			
<i>Other (if offered, extra charges may apply):</i>	<input type="checkbox"/> Real-time \$11.00 per page <input type="checkbox"/> Real Time Streaming - \$250.00 per day			
<i>Special requests (if offered):</i>	<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

Date

[Handwritten Signature]

11.14.2020

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

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.

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. 201100875

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
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Philadelphia, PA 19102
T: 215-731-1413
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and

/s/ Ronald L. Hicks, Jr.

Ronald L. Hicks, Jr. (PA #49520)
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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**

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I. Case Information

In re Canvass of Absentee and Mail In Ballots of Nov 3 General	201100874/875/876/877/878
<i>Case Caption</i>	<i>Docket Number</i>
Crumlish	Traffic Court/Zoom
<i>Presiding Judge or Arraignment Court Magistrate</i>	<i>Courtroom</i>
November 13, 2020	
<i>Date(s) of Proceeding</i>	<i>Co-Defendant docket # (If applicable)</i>
Jennifer Venneri/jennifer.venneri@courts.phila.gov	
<i>Court Reporter Name (If available)</i>	

Type of proceeding: (check the appropriate box)

Criminal Civil Family Orphans' Court Juvenile Other: (specify) ELECTION LAW MATTER

Is this transcript request associated with an appeal? Yes No Children's Fast Track Yes No

II. Requestor Information

I am Counsel for Donald J. Trump for President, Inc. Self-Represented Not a party to this action
Court Appointed? Yes No
Does this request qualify for a reduced rate pursuant to Rule 4007(E)? Yes 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

Check if Digital Recording

Entire proceeding Jury Voir Dire Opening statements Closing arguments Jury Instructions

Testimony (specify each witness):

Pre/Post trial hearing (specify):

Preliminary Arraignment 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: Electronic (PDF) format Hard Copy

Other (if offered, extra charges may apply): Real-time \$11.00 per page Real Time Streaming - \$250.00 per day

Special requests (if offered): Word Index ASCII Other:

Are you requesting a copy of an existing transcript? Yes No (For Rates, please see Phila.R.J.A. No. *4008)

Requestor's Name

Date

[Handwritten Signature]

11.14.2020

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. 201100875

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 Intervenors, 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 4, those being 1,259 ballots on which the outer envelope contains only the Elector's signature and hand-printed address but which do not have the date on which the Elector signed the envelope.

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 1,259 absentee and mail-in ballots containing the elector’s signature, hand-printed name and address on the Declaration envelope but missing the date is

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

BY THE COURT,



Crumlish, J.

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. 201100876

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**

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I. Case Information

In re Canvass of Absentee and Mail In Ballots of Nov 3 General <i>Case Caption</i>	201100874/875/876/877/878 <i>Docket Number</i>
Crumlish <i>Presiding Judge or Arraignment Court Magistrate</i>	Traffic Court/Zoom <i>Courtroom</i>
November 13, 2020 <i>Date(s) of Proceeding</i>	<i>Co-Defendant docket # (If applicable)</i>
Jennifer Venneri/jennifer.venneri@courts.phila.gov <i>Court Reporter Name (If available)</i>	

Type of proceeding: (check the appropriate box)

Criminal Civil Family Orphans' Court Juvenile Other: (specify) ELECTION LAW MATTER

Is this transcript request associated with an appeal? Yes No Children's Fast Track Yes No

II. Requestor Information

I am Counsel for Donald J. Trump for President, Inc. Self-Represented Not a party to this action

Court Appointed? Yes No

Does this request qualify for a reduced rate pursuant to Rule #007(E)? Yes 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

Check if Digital Recording

Entire proceeding Jury Voir Dire Opening statements Closing arguments Jury Instructions

Testimony (specify each witness):

Pre/Post trial hearing (specify):

Preliminary Arraignment Other (specify):

IV. Private Party Transcript Delivery and Cost

For original transcript requests, please select from the following:

Delivery Time: Original/Ordinary Expedited Daily Same Day

Cost per page **\$3.00 page** **\$4.50 per page** **\$6.00 per page** **\$9.00 per page**

Manner of Delivery: Electronic (PDF) format Hard Copy

Other (if offered, extra charges may apply): Real-time \$11.00 per page Real Time Streaming - \$250.00 per day

Special requests (if offered): Word Index ASCII Other:

Are you requesting a copy of an existing transcript? Yes No (For Rates, please see Phila.R.J.A. No. *4008

Requestor's Name

Date

[Handwritten Signature]

11.14.2020

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. 201100876

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 Intervenors, 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 5, those being 533 ballots on which the outer envelope contains the Elector's signature , the date and the elector's

address filled out in the space provided but do not have the Elector's name printed under the signature.

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 533 absentee and mail-in ballots containing the elector's signature, hand-written address and date on the Declaration envelope but missing the hand-

printed name under the signature is **AFFIRMED** as in accordance with the provisions of the Election Code and the decisions of the Courts interpreting the Code.

BY THE COURT,


_____ Crumlish, J.

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. 201100877

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
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and

/s/ Ronald L. Hicks, Jr.

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(412) 235-4510 (Fax)
rhicks@porterwright.com

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



**Request for Transcript or Copy
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Crumlish <i>Presiding Judge or Arraignment Court Magistrate</i>	Traffic Court/Zoom <i>Courtroom</i>
November 13, 2020 <i>Date(s) of Proceeding</i>	<i>Co-Defendant docket # (If applicable)</i>
Jennifer Venneri/jennifer.venneri@courts.phila.gov <i>Court Reporter Name (If available)</i>	

Type of proceeding: (check the appropriate box)

Criminal Civil Family Orphans' Court Juvenile Other: (specify) ELECTION LAW MATTER

Is this transcript request associated with an appeal? Yes No Children's Fast Track Yes No

II. Requestor Information

I am Counsel for Donald J. Trump for President, Inc. Self-Represented Not a party to this action

Court Appointed? Yes No

Does this request qualify for a reduced rate pursuant to Rule 4007(E)? Yes 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

linda@lindakernslaw.com

Email

City

215-731-1400

Phone

State

215-701-4154

Fax

III. Transcript Items Requested

Check if Digital Recording

Entire proceeding Jury Voir Dire Opening statements Closing arguments Jury Instructions

Testimony (specify each witness):

Pre/Post trial hearing (specify):

Preliminary Arraignment Other (specify):

IV. Private Party Transcript Delivery and Cost

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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: Electronic (PDF) format Hard Copy

Other (if offered, extra charges may apply): Real-time \$11.00 per page Real Time Streaming - \$250.00 per day

Special requests (if offered): Word Index ASCII Other:

Are you requesting a copy of an existing transcript? Yes No (For Rates, please see Phila.R.J.A. No. *4008)

Requestor's Name

Date

[Handwritten Signature]

11.14.2020

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. 201100877

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 Intervenors, 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 860 ballots on which the outer envelope contains the Elector's signature, hand-printed name and date but which do not have 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 860 absentee and mail-in ballots containing the elector’s signature, hand-printed name and date on the Declaration envelope but missing the hand-written

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

BY THE COURT,


_____ Crumlish, J.

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. 201100878

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

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and

/s/ Ronald L. Hicks, Jr.

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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 _____

Date 11.14.2020

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. 201100878

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 Intervenors, 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 4,466 ballots on which the outer envelope contains the Elector's signature and the date but which do not have the 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 4,466 absentee and mail-in ballots containing the elector’s signature and the date on the Declaration envelope but missing the other “fill out” information

(hand-printed name and address) is **AFFIRMED** as in accordance with the provisions of the Election Code and the decisions of the Courts interpreting the Code.

BY THE COURT,


_____ Crumlish, J.

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.

November Term, 2020

AFFIDAVIT OF SERVICE

I, Linda A. Kerns, Esquire, hereby certify that I am this 14th day of November 2020 serving a true and correct copy of the Notice of Appeal together with the Order of Transcript, by electronic mail except where indicated and by the Court's electronic filing system, to the following:

Jennifer Venneri, Court Reporter
Land Title Building, 100 South Broad Street, 2nd Floor
Philadelphia, PA 19110
Jennifer.venneri@courts.phila.gov

Judge James Crumlish
Philadelphia City Hall, Room 534
Philadelphia, PA 19107
Facsimile 215-686-7048
James.crumlish@courts.phila.gov

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Respectfully submitted,

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