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IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
PENNSYLVANIA

In re:

CANVASSING OBSERVATION

Case No. 201107003

ELECTION MATTER

Filed on behalf of:
Donald J. Trump for President, Inc.

1094 CN 20

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 3rd day of November, 2020.

RECEIVED & FILED
COMMONWEALTH COURT
PHILADELPHIA
-4 NOV 2020 14 05

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: 215-731-1400
linda@lindakernslaw.com

and

/s/ Ronald L. Hicks, Jr.

Ronald L. Hicks, Jr. (PA #49520)
Carolyn B. McGee (PA #208815)
Six PPG Place, Third Floor
Pittsburgh, PA 15222
(412) 235-4500 (Telephone)
(412) 235-4510 (Fax)
rhicks@porterwright.com
cmcgee@porterwright.com

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

Sean McGrath
City of Philadelphia Law Department
1515 Arch Street, 15th Floor
Philadelphia, PA 19102
Sean.McGrath@phila.gov

Susan Lin, Esquire
Kairys, Rudovsky, Messing, Feinberg & Lin LLP
The Cast Iron Building
718 Arch Street, Suite 501 South
Philadelphia, PA 19106
slin@krlawphila.com

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/s/ Linda A. Kerns

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Law Offices of Linda A. Kerns, LLC
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1420 Locust Street, Suite 200
Philadelphia, PA 19102
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Six PPG Place, Third Floor
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(412) 235-4500 (Telephone)
(412) 235-4510 (Fax)
rhicks@porterwright.com
cmcgee@porterwright.com

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

¹ Court Buildings are closed to the public which makes it impossible to serve by Personal Service.



**Request for Transcript or Copy
Philadelphia County**

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

Filed and Abstracted by the
Office of Judicial Records

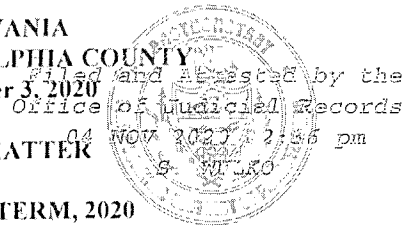
Pursuant to Pa.R.J.A. 4007(A), this form must be completed by any person requesting a transcript for any case. Additional requirements may be found in the local rules of court for each judicial district. Local rules may be found by following the link at: <http://www.pacourts.us/courts/courts-of-common-pleas/>. 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 Canvassing Observation | 201107003 | | |
| Case Caption | Docket Number | | |
| Judge Stella Tsai | Election Court | | |
| Presiding Judge or Arraignment Court Magistrate | Courtroom | | |
| November 3, 2020 | Co-Defendant docket # (If applicable) | | |
| Date(s) of Proceeding | | | |
| John J. Kurz | | | |
| 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) Election | | | |
| 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 type="checkbox"/> No (For Rates, please see Phila.R.J.A. No. *4008 | | | |

Requestor's Name

Nov 4, 2020
Date

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
 IN THE COURT OF COMMON PLEAS FOR PHILADELPHIA COUNTY
 ELECTION COURT- General Election: November 3, 2020



In Re: : ELECTION MATTER
 :
Canvassing Observation : NOVEMBER TERM, 2020
 :
 _____ : NO. 7003

ORDER

AND NOW, this 3rd day of November, 2020, in connection with the matter of: petition by Donald J. Trump for President Inc. to allow closer observation of canvassing of ballots, upon consideration of the:

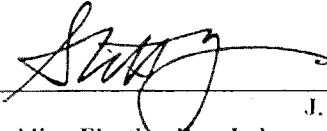
- oral Petition and Argument and any responses thereto written Petition and Argument and any responses thereto
- testimony and evidence presented by the witnesses and Argument; or
-

IT IS HEREBY ORDERED and DECREED that:

The oral motion to allow closer observation of the canvassing of ballots is DENIED for the following reasons:

The Petitioner’s witness provided copious testimony as to his ability to observe the opening and sorting of ballots. His concerns pertained to his inability to observe the writing on the outside of the ballots. Given that observers are directed only to observe and not to audit ballots, we conclude, based on the witness’s testimony, that the Board of Elections has complied with the observation requirements under 25 P.S. 3146.8. We, however, would not discourage the Board from considering the implementation of arrangements to allow for an additional corridor for observation along the side of the canvassing tables if feasible – subject to spatial distancing under COVID-19 and voting privacy requirements.

BY THE COURT:


 _____ J.
 Presiding Election Day Judge

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IMPORTANT NOTICE

This Order is issued by the Judge assigned by the President Judge of the Court of Common Pleas to decide legal issues which may arise in connection with the above Election. Failure to comply with the terms of this order may result in contempt proceedings and the imposition of criminal or civil penalties. Any interested party should consult an attorney, or rules of court, for additional information regarding the impact of this order and how to request appropriate relief.

Certified copies of this order may be obtained through the Office of Judicial Records, OJR_Civil@courts.phila.gov upon the payment of the required fee. Notes of testimony of the hearing may be requested through the Court Reporters Office, Land Title Building, 100 S. Broad Street, Second Floor, Philadelphia, PA by completing a Request for Transcript form. See www.courts.phila.gov/departments/courtreporters.

The following Parties participated in connection with the above matter:

| Name of Party | Name of Attorney |
|------------------------------------|-------------------|
| Donald J. Trump for President Inc. | LINDA KOEHL, ESQ |
| City of Philadelphia | SEAN MCGRATH, ESQ |
| PA Dems | SUZAN LIU, ESQ. |