

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Doug McLinko, :
Petitioner : **CASES CONSOLIDATED**
 :
 v. : No. 244 M.D. 2021
 :
 Commonwealth of Pennsylvania, :
 Department of State; and :
 Veronica Degraffenreid, in her :
 official capacity as Acting Secretary :
 of the Commonwealth of Pennsylvania, :
 Respondents :
 :
 Timothy R. Bonner, P. Michael Jones, :
 David H. Zimmerman, Barry J. Jozwiak, :
 Kathy L. Rapp, David Maloney, :
 Barbara Gleim, Robert Brooks, :
 Aaron J. Bernstine, Timothy F. :
 Twardzik, Dawn W. Keefer, :
 Dan Moul, Francis X. Ryan, and :
 Donald “Bud” Cook, :
 Petitioners :
 :
 v. : No. 293 M.D. 2021
 :
 Veronica Degraffenreid, in her official :
 capacity as Acting Secretary of the :
 Commonwealth of Pennsylvania, and :
 Commonwealth of Pennsylvania, :
 Department of State, :
 Respondents :

PER CURIAM

ORDER

AND NOW, this 24th day of September, 2021, upon consideration of the cross-applications for summary relief filed in the matter at No. 244 M.D. 2021,

and the second matter at No. 293 M.D. 2021, which also raises a constitutional challenge to the Act of October 31, 2019, P.L. 552, No. 2019-77, the request for consolidation, and upon finding that prospective relief, as requested by petitioners, is not available for the November 2021 election because it is already underway as set forth in the Jonathan Marks' Affidavit, 08/26/2021, ¶¶25,26 filed in No. 244 M.D. 2021, the Court hereby ORDERS the following:

1. The order of September 3, 2021, entered in No. 293 M.D. 2021, is rescinded, and the above-captioned matters are hereby consolidated. All filings shall use the consolidated caption set forth above.

2. The consolidated petitions for review shall be given expedited consideration.

3. The response to the petition for review and dispositive motions, if any, in No. 293 M.D. 2021 shall be filed on or before September 30, 2021. Cross-dispositive motions, if any, shall be filed five days later.

4. Respondents' brief in support of their preliminary objections to the petition for review at No. 244 C.D. 2021 shall be filed on or before October 8, 2021, and McLinko's brief in opposition is due 15 days thereafter.

5. The prothonotary shall list all preliminary objections or dispositive motions at the next available *en banc* argument session.