

IN THE SUPREME COURT OF PENNSYLVANIA

Dave McCormick for U.S. Senate, <i>et al.</i> ,	:	
	:	
Petitioners,	:	
	:	
v.	:	46 MM 2022
	:	
Leigh M. Chapman, in her official capacity	:	
as Secretary of State for the Commonwealth	:	
<i>et al.</i> ,	:	
	:	
Respondents.	:	

**ANSWER OF RESPONDENT
 LUZERNE COUNTY BOARD OF ELECTIONS
 AND PRAECIPE FOR PERMISSION TO FILE SAME
*NUNC PRO TUNC***

Comes now Respondent Luzerne County Board of Elections ("Board"), by and through counsel, Joseph M. Cosgrove, and submits the following Answer and Praecipe:

1. Upon Petitioners' filing of an Application for Extraordinary Relief in the present matter, the Prothonotary of this Court forwarded an email to the Respondents directing "that an Answer or a No Answer Letter is required to be a-filed with the Prothonotary's Office by 4 pm on Thursday, May 26, 2022."

2. It appears that this email was sent to an address of the former Acting Luzerne County Manager who had left office four days prior to its delivery and no longer had access to the County email system.

3. Undersigned, who is entering his appearance simultaneously with the present Answer and Praecipe, was only made aware of the email's requirements after the time for filing as directed by the email.

4. In answer to the Application for Extraordinary Relief, the Board takes no position on same, and further takes no position on any request to intervene herein. See Email of Denise Williams, Chair, Luzerne County Board of Elections & Registration, attached hereto as Exhibit A.

5. Given the circumstances outlined above, the present Answer was not timely filed through no fault of anyone on the Board's behalf.

WHEREFORE, Respondent Luzerne County Board of Elections submits the present Answer and requests permission that same be accepted as filed *nunc pro tunc*.

Respectfully submitted,

SELINGO GUAGLIARDO LLC

s/ Joseph M. Cosgrove

Attorney I.D. 37130

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Kingston, PA 18704

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EXHIBIT A

Reply all | Delete Junk |

Luzerne County Board of Elections / Current Litigation



Williams, Denise <Denise.Williams@luzernecounty.org>

Reply all |

Thu 5/26/2022 7:39 PM

To: Joseph Cosgrove

Cc: Election Board Distribution Group <ElectionBoard@LuzerneCounty.org>

Inbox

Dear Attorney Cosgrove,

The Luzerne County Board of Elections is following the directive of the PA Department of State of May 24, 2022 regarding the canvassing and counting of the mail-in and absentee ballots from the May 17, 2022 Primary Election.

The Board takes no position regarding the litigation *McCormick et al v. Chapman et al*, 46 MM 2022 (Supreme Court) and 286 MD 2022 (Commonwealth Court), and takes no position regarding requests to intervene in those matters.

Sincerely,

Denise Williams

Chair, Luzerne County Board of Elections & Registration

Denise.Williams@LuzerneCounty.org

If you have concerns about the validity of this message, contact the sender directly, or the Luzerne County IT Department at Cybersecurity@LuzerneCounty.org