

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

In Re: Nomination Petition of :  
Nickole Nesby for the Democratic :  
Nomination for Senator in the :  
General Assembly, 45th District :  
 :  
Objection of: Matthew Kenney : No. 86 M.D. 2024

**SCHEDULING and CASE MANAGEMENT ORDER**

**PER CURIAM**

NOW, February 21, 2024, upon consideration of the Petition to Set Aside  
Nomination Petition (Objection Petition):

**1. IT IS HEREBY ORDERED:**

A. Hearing on the Objection Petition is scheduled for Tuesday, February 27, 2024 at 9:30 a.m., in Courtroom Number 707, City-County Building, 414 Grant Street, Pittsburgh, Pennsylvania. Objector is directed to secure the services of a court stenographer for the hearing. Failure of Objector to secure the services of a court stenographer may result in the dismissal of this matter.

B. If signature lines are challenged, Objector shall secure, by request or subpoena, the presence of a **Statewide Uniform Registry of Electors (SURE)** system operator at the hearing.

C. Service of the Objection Petition on Candidate and this Order on all parties is complete upon the posting of the Objection Petition and this Order on the Court's website in accordance with this Court's Notice and Order in *In re: Objections*

*to Nomination Petitions/Papers of Candidates for Statewide and State-Level Office* (Pa. Cmwlth., No. 126 Misc. Dkt. No. 3, July 19, 2023).

D. At the hearing, Objector shall offer proof of timely service of the Objection Petition on the Secretary of the Commonwealth.

**2. It is FURTHER ORDERED that the parties shall comply with the following in advance of the hearing:**

A. Objector shall file a list of all witnesses to be called at the hearing and the curriculum vitae and expert report for each expert witness. Any witness not identified may be precluded from testifying except for good cause shown.

B. Candidate shall file a list of all witnesses to be called at the hearing and the curriculum vitae and expert report for each expert witness. Any witness not identified may be precluded from testifying except for good cause shown.

**3. If signature line challenges are at issue, it is FURTHER ORDERED that the parties shall comply with the following in advance of the hearing:**

A. Objector and Candidate or Candidate's representative and, if appropriate, a SURE system operator, shall meet to review each and every challenged signature line.

B. Objector and Candidate shall file a stipulation of the parties that identifies:

- (a) the total number of completed signature lines submitted;

- (b) the total number of uncontested signature lines submitted;
- (c) the total number of signature lines challenged;
- (d) each and every signature line to which there is an objection, identified by page number and line number, and the basis for the objection;
- (e) each and every signature line to be stricken as invalid or for which an objection is to be withdrawn, identified by page number and line number, if the parties can reach such a stipulation.

C. Candidate shall file a list of all signature lines, identified by page number and line number, that are facially defective and that Candidate intends to rehabilitate. Candidate shall also state the manner in which Candidate intends to rehabilitate the signature lines.

**4.** Objector and Candidate may each file a memorandum of law in support of their respective positions. No further memoranda will be permitted unless ordered by the Court.

**5.** Unless otherwise ordered, the parties shall file all items required or permitted by paragraphs 2, 3 and 4 of this Order no later than 48 hours in advance of the hearing. Filing may be accomplished by PACFile (the Pennsylvania appellate court electronic filing system) or by email to [CommCourtFiling@pacourts.us](mailto:CommCourtFiling@pacourts.us). Parties may **not** file by facsimile without express prior permission from the Court.

**6.** Failure to comply with any provision of this Order may preclude the noncompliant party from entering any evidence, and may result in the imposition of monetary sanctions.