

**Miscellaneous Docket Sheet**

Commonwealth Court of Pennsylvania

Docket Number: 229 MD 2023

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June 21, 2023

**CAPTION**

In re: Judge Paige Simmons  
 Candidate for the Court of  
 Common Pleas in the  
 Democratic and Republican  
 Primary Election,  
 Respondent

v.

Kieran Francke, Rachel Wick,  
 Russell Phifer, Carol Catanese,  
 and Whitney Hoffman,  
 Petitioners

**CASE INFORMATION**

Initiating Document: Petition for Review

Case Status: Closed

Case Processing Status: June 20, 2023 Completed

Journal Number:

Case Category: Election

Case Type(s): Election

**CONSOLIDATED CASES****RELATED CASES****COUNSEL INFORMATION****Petitioner Wick, Rachel**

Pro Se: No

IFP Status:

Attorney: Stretton, Samuel C.  
 Law Firm: Law Office of Samuel C. Stretton  
 Address: 103 S High St  
 PO Box 3231  
 West Chester, PA 19381-3231  
 Phone No: (610) 696-4243 Fax No:

**Petitioner Phifer, Russell**

Pro Se: No

IFP Status:

Attorney: Stretton, Samuel C.  
 Law Firm: Law Office of Samuel C. Stretton  
 Address: 103 S High St  
 PO Box 3231  
 West Chester, PA 19381-3231  
 Phone No: (610) 696-4243 Fax No:

**Miscellaneous Docket Sheet****Docket Number: 229 MD 2023****Page 2 of 6****June 21, 2023****COUNSEL INFORMATION****Petitioner Hoffman, Whitney**

Pro Se: No

IFP Status:

Attorney: Stretton, Samuel C.  
 Law Firm: Law Office of Samuel C. Stretton  
 Address: 103 S High St  
 PO Box 3231  
 West Chester, PA 19381-3231  
 Phone No: (610) 696-4243 Fax No:

**Petitioner Francke, Kieran**

Pro Se: No

IFP Status:

Attorney: Stretton, Samuel C.  
 Law Firm: Law Office of Samuel C. Stretton  
 Address: 103 S High St  
 PO Box 3231  
 West Chester, PA 19381-3231  
 Phone No: (610) 696-4243 Fax No:

**Petitioner Catanese, Carol**

Pro Se: No

IFP Status:

Attorney: Stretton, Samuel C.  
 Law Firm: Law Office of Samuel C. Stretton  
 Address: 103 S High St  
 PO Box 3231  
 West Chester, PA 19381-3231  
 Phone No: (610) 696-4243 Fax No:

**Other Mullen, Kathleen**

Pro Se: No

IFP Status:

Attorney: Mullen, Kathleen Ann  
 Law Firm: Pennsylvania Governor's Office of General Counsel  
 Address: Dept of State  
 306 N Office Building  
 Harrisburg, PA 17120-0102  
 Phone No: (717) 743-7563 Fax No:

**Other Kotula, Kathleen**

Pro Se: No

IFP Status:

Attorney: Kotula, Kathleen Marie  
 Law Firm: Pennsylvania Department of State  
 Address: Pa Dept Of State  
 306 N Ofc Bldg 401 North St  
 Harrisburg, PA 17120-0500  
 Phone No: (717) 783-1657 Fax No:

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**COUNSEL INFORMATION****Other** Darr, Greg

Pro Se: No

IFP Status:

Attorney: Darr, Gregory Mitchell  
 Law Firm: Pennsylvania Department of State  
 Address: Pa Dept Of State Occ  
 306 N Office Bldg  
 Harrisburg, PA 17120  
 Phone No: (717) 346-0462

Fax No:

**Respondent** Simmons, Paige

Pro Se: No

IFP Status:

Attorney: Ryan, Danielle Erin  
 Law Firm: Fox Rothschild LLP  
 Address: 747 Constitution Dr  
 Exton, PA 19341  
 Phone No: (610) 458-1410

Fax No:

**FEE INFORMATION**

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
05/12/2023	Miscellaneous Docket Filing Fee	70.25	05/13/2023	2023-CMW-H-000913	70.25

**AGENCY/TRIAL COURT INFORMATION**

Order Appealed From: Notice of Appeal Filed:

Order Type:

Documents Received: May 12, 2023

Court Below:

County: Division:

Judge: OTN:

Docket Number: Judicial District:

**ORIGINAL RECORD CONTENT**

Original Record Item	Filed Date	Content Description
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Date of Remand of Record:

**BRIEFING SCHEDULE**

None

None

**DOCKET ENTRY**

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>May 12, 2023</b>	Petition for Review Filed			
	Francke, Kieran		Petitioner	
	Wick, Rachel		Petitioner	
	Phifer, Russell		Petitioner	
	Catanese, Carol		Petitioner	
	Hoffman, Whitney		Petitioner	

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## DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
Document Name: PFR in the Nature of a Pet. for Audit Pursuant to 25 P.S. 3256				
<b>May 12, 2023</b>	Filed - Other			
	Stretton, Samuel C.	Francke, Kieran	Petitioner	
	Stretton, Samuel C.	Wick, Rachel	Petitioner	
	Stretton, Samuel C.	Phifer, Russell	Petitioner	
	Stretton, Samuel C.	Catanese, Carol	Petitioner	
	Stretton, Samuel C.	Hoffman, Whitney	Petitioner	
Document Name: Proposed Rule to Show Cause Order				
<b>May 12, 2023</b>	Filed - Other			
	Stretton, Samuel C.	Francke, Kieran	Petitioner	
	Stretton, Samuel C.	Wick, Rachel	Petitioner	
	Stretton, Samuel C.	Phifer, Russell	Petitioner	
	Stretton, Samuel C.	Catanese, Carol	Petitioner	
	Stretton, Samuel C.	Hoffman, Whitney	Petitioner	
Document Name: Proposed Order				
<b>May 17, 2023</b>	Certificate of Service Filed			
	Stretton, Samuel C.	Francke, Kieran	Petitioner	
	Stretton, Samuel C.	Wick, Rachel	Petitioner	
	Stretton, Samuel C.	Phifer, Russell	Petitioner	
	Stretton, Samuel C.	Catanese, Carol	Petitioner	
	Stretton, Samuel C.	Hoffman, Whitney	Petitioner	
Document Name: Affidavit of Constable's Service of Petition				

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## DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
May 30, 2023	Hearing Scheduled Ceisler, Ellen			05/30/2023
	Document Name: June 28, '23, 9:30am, Widener Bldg., Philadelphia / Answer due 30 Days After Service			
	Comment: AND NOW, this 30th day of May 2023, it is HEREBY ORDERED:			
	1. Respondent Judge Paige Simmons Candidate for the Court of Common Pleas in the Democratic and Republican Primary Election (Respondent) shall file a response to Petitioners Kieran Francke, Rachel Wick, Russell Phifer, Carol Catanese, and Whitney Hoffman's (collectively Petitioners) "Petition for Review in the Nature of a Petition for an Audit Pursuant to 25 P.S. 3256" (Audit Petition) no later than 30 days after service of the Audit Petition which occurred on May 15, 2023;			
	2. A hearing regarding the Audit Petition shall be scheduled for Wednesday, June 28, 2023, at 9:30 a.m., in Courtroom Number 1, The Widener Building, 1339 Chestnut Street, One South Penn Square, Philadelphia, Pennsylvania;			
	3. Petitioners are directed to secure the services of a court stenographer for the hearing;			
	4. The parties each shall PACFile and serve a prehearing memorandum no later than 5:00 p.m. on June 21, 2023, setting forth their respective lists of all witnesses to be called at the hearing, including each witness's name/title, the nature and approximate length of each witness's testimony, and the curriculum vitae and report for any expert witness; a list of all exhibits; joint stipulations of fact and law; and how long the parties expect the hearing to last;			
	5. The parties shall electronically exchange any exhibits, which should be pre-marked, for use during the hearing no later than 5:00 p.m. on June 23, 2023. The parties shall also provide their witnesses with copies of the exhibits in advance of the hearing to which the witnesses can refer.			
	6. The parties shall each file a list of properly numbered and organized exhibits, and all objections they may have to the proposed exhibits and the reasons therefor (i.e., hearsay, relevance, etc.), no later than 5:00 p.m. on June 27, 2023;			
	7. In addition to electronically exchanging exhibits pursuant to this Order, the parties shall exchange properly marked, tabbed, and bound binders of all their respective exhibits and provide similar binders to all counsel on the morning of the hearing;			
	8. The parties shall each provide to the Court with one additional copy of properly marked, tabbed, and bound binders of all their respective exhibits on the morning of the hearing;			
	9. The Court is unable to provide courtroom technology for use during the hearing. Thus, to the extent the parties intend to present pre-recorded video testimony and/or other video evidence at the hearing, the parties shall be prepared with proper video equipment and to properly authenticate such testimony and evidence;			
	10. Petitioners shall promptly serve a copy of this Order on Respondent and thereafter promptly file a proof of service of same.			
June 1, 2023	Certificate of Service Filed			
	Stretton, Samuel C.	Francke, Kieran	Petitioner	
	Stretton, Samuel C.	Wick, Rachel	Petitioner	
	Stretton, Samuel C.	Phifer, Russell	Petitioner	
	Stretton, Samuel C.	Catanese, Carol	Petitioner	
	Stretton, Samuel C.	Hoffman, Whitney	Petitioner	
	Document Name: Service of Court's Orders			
June 14, 2023	Entry of Appearance			
	Ryan, Danielle Erin	Simmons, Paige	Respondent	
	Document Name: of Danielle Ryan, Esq. on behalf of Respondent			

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## DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>June 14, 2023</b>	Application for Emergency Relief Ryan, Danielle Erin	Simmons, Paige	Respondent	
	Document Name: Application for Extension of Time to File Answer to Petition for Review			
<b>June 15, 2023</b>	Order Granting Application for Emergency Relief Ceisler, Ellen			06/15/2023
	Document Name: Extension of Time to File Answer is Granted / Candidate's Answer it Due June 19, 2023			
	Comment: AND NOW, this 15th day of June, 2023, it is hereby ORDERED that Respondent Judge Paige Simmons Candidate for the Court of Common Pleas in the Democratic and Republican Primary Election's (Candidate) Unopposed First Application for an Extension of Time to File an Answer to the Petition for Review in the Nature of an Audit is GRANTED. Candidate's deadline to file an Answer to the Petition for Review in the Nature of an Audit is extended until June 19, 2023.			
<b>June 16, 2023</b>	Praecipe for Discontinuance Stretton, Samuel C.	Francke, Kieran	Petitioner	
	Stretton, Samuel C.	Wick, Rachel	Petitioner	
	Stretton, Samuel C.	Phifer, Russell	Petitioner	
	Stretton, Samuel C.	Catanese, Carol	Petitioner	
	Stretton, Samuel C.	Hoffman, Whitney	Petitioner	
<b>June 20, 2023</b>	Hearing Cancelled Ceisler, Ellen			06/20/2023
	Document Name: Praecipe to Discontinue Granted / June 28, 2023 Hearing Cancelled			
	Comment: AND NOW, this 20th day of June, 2023, it is hereby ORDERED that Petitioners' Praecipe to mark the caption matter settled, discontinued and ended is GRANTED. The hearing, regarding the Audit Petition scheduled for Wednesday, June 28, 2023, at 9:30 a.m., in Courtroom Number 1, The Widener Building, 1339 Chestnut Street, One South Penn Square, Philadelphia, Pennsylvania is canceled.			
<b>June 20, 2023</b>	Discontinued Stretton, Samuel C.	Francke, Kieran	Petitioner	06/20/2023
	Stretton, Samuel C.	Wick, Rachel	Petitioner	
	Stretton, Samuel C.	Phifer, Russell	Petitioner	
	Stretton, Samuel C.	Catanese, Carol	Petitioner	
	Stretton, Samuel C.	Hoffman, Whitney	Petitioner	
	Document Name: Praecipe for Discontinuance			

## DISPOSITION INFORMATION

Final Disposition:	Yes	Judgment Date:	
Related Journal No:		Disposition Author:	Stretton, Samuel C.
Category:	Disposed Before Decision	Disposition Date:	June 20, 2023
Disposition:	Discontinued	Filing Author:	
Dispositional Filing:			
Filed Date:			