

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

In Re: Nomination Petition of :
Paul Pitonyak as Republican Party :
Candidate for the PA General Assembly :
For the 2nd Legislative District : No. 149 M.D. 2022
:
Objection of: Julie Vahey and :
Donna Turbaczewski :

PER CURIAM **SCHEDULING and**
CASE MANAGEMENT ORDER
(WebEx)

NOW, April 2, 2022, upon consideration of the petition to set aside nomination petition:

1. IT IS HEREBY ORDERED:

A. Hearing on the Objection Petition is scheduled for **Wednesday, April 6, 2022, at 9:30 a.m., by Cisco WebEx (WebEx) video conferencing.** Objectors are directed to secure the services of a court stenographer for the hearing. As soon as possible, and no later than 12:00 p.m. April 5, 2022, Objectors shall email the name, email address and mobile telephone number of the court stenographer to this address: CommCourtRemote@pacourts.us. Failure of Objectors to secure the services of a court stenographer may result in the dismissal of this matter.

B. Objectors, Candidate and counsel of record shall provide the Court with their names, email addresses and mobile telephone numbers immediately upon receipt of this order, unless they have already done so. The Contact email address for the Court is: CommCourtRemote@pacourts.us. The Court will provide Objectors, Candidate and counsel with the information for connecting to the WebEx hearing. To facilitate participation in the hearing, various WebEx applications are available for download at pacourts.webex.com. The parties are directed to connect to the hearing 15 minutes before the starting time. **Please see the Protocol for WebEx Video Hearings attached to this order.** In the event of technical difficulties, please contact the Court's IT staff at 717-255-1626.

C. Service of the Objection Petition on Candidate, and of this Order on all parties, is complete upon the posting of the Objection Petition and this Order on the Pennsylvania Unified Judicial System website in accordance with this Court's Notice and Order in *In re: Objections to Nomination Petitions for Pennsylvania General Assembly and State Party Committees – General Primary Election 2022* (Pa. Cmwlth., No. 126 Misc. Dkt. No. 3).

D. Objectors shall personally or by overnight mail or electronic mail serve a copy of this order on the Secretary of the Commonwealth and promptly thereafter file a proof of service with the Prothonotary.

E. At the hearing, Objectors shall offer proof of timely service of the petition to set aside on the Secretary of the Commonwealth.

2. It is FURTHER ORDERED that the parties shall make a good faith effort to comply with the following in advance of the hearing:

A. Objectors shall file and provide via email to the Court at CommCourtRemote@pacourts.us a list of all witnesses to be called at the hearing, including the name, email address and mobile telephone number for each witness, and the curriculum vitae and expert report for each expert witness. All witnesses will testify via WebEx. Any witness not identified may be precluded from testifying except for good cause shown.

B. Candidate shall file and provide via email to the Court at CommCourtRemote@pacourts.us a list of all witnesses to be called at the hearing, including the name, email address and mobile telephone number for each witness, and the curriculum vitae and expert report for each expert witness. All witnesses will testify via WebEx. Any witness not identified may be precluded from testifying except for good cause shown.

3. Objectors and Candidate shall also file a list of exhibits, if any, they intend to offer into evidence at the hearing. The Court shall provide Objectors and Candidate with a link to upload their respective pre-marked exhibits. Said exhibits shall be electronically exchanged by the parties and shall be uploaded **no later than 4:00 p.m. on Tuesday, April 5, 2022**. The parties shall email the Court at CommCourtRemote@pacourts.us both to request a link and to confirm all exhibits have been uploaded. Failure to comply with this paragraph may result in the exclusion of an exhibit. In addition, the parties are directed to provide their witnesses with copies of the exhibits in advance of the hearing to which the witnesses can refer during their testimony.

4. The parties are strongly encouraged to consult prior to the filing of their list of witnesses and exhibits and, if possible, enter into evidentiary and/or factual stipulations and/or agreed-upon protocols to streamline the proceedings. The parties may PAC-file any joint stipulations or protocols prior to the hearing.

5. Objectors 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.

6. Unless otherwise ordered, the parties shall make a good faith effort to file all items required or permitted by paragraphs 2, 3, 4 and 5 of this order in advance of the hearing no later than **12:00 Noon on April 5, 2022**. Filing may be accomplished by PACFile (the Pennsylvania appellate court electronic filing system) or by email to CommCourtFiling@pacourts.us. Parties may **not** file by facsimile without express prior permission from the Court.

7. 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.



Protocol for WebEx Video Hearings

Protocol BEFORE the hearing:

Twenty-four (24) hours before the scheduled hearing, the Court shall provide counsel, any pro se party, and the court reporter with the information for connecting to the video hearing, including the date and time of the hearing. This invitation will be sent by email.

It is the responsibility of counsel to provide the connection information to their clients and witnesses. It is the responsibility of any pro se party to provide the connection information to their witnesses.

It is the responsibility of all parties to provide the Court with their contact information. An email address will be required to join the video.

A witness list must be provided to the Court by the date set forth in the Court's scheduling order, and otherwise no later than forty-eight (48) hours before the hearing, with a valid email address for each witness. The Court will provide the parties with a contact email to which the witness list should be sent. The witness list shall include the case caption and docket number and the full name of each prospective witness.

All participants must appear by video connection unless otherwise authorized by the Court.

Email invitations will be sent to participants at least 24 hours before the hearing. If a participant has not received the email invitation from the Court, please check your SPAM or Junk folder before contacting the Court.

All parties and witnesses must connect to the hearing or call into the video system at least 15 minutes before the scheduled start time.

Minimum Technology requirements:

All counsel and pro se parties appearing before the Court must have one of the following:

A computer with a functioning web camera, microphone and speakers;

A video conferencing system that supports Session Initiation Protocol (SIP) calling;

A tablet device that supports Cisco WebEx with a functioning forward facing camera, microphone and speakers; or

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An alternative device used to connect to Cisco WebEx in the past.

If you experience audio issues with your computer/tablet audio, the Court recommends that you have our system call you by using the option listed below.

The Court's IT Department will endeavor to contact counsel, any pro se party, and witnesses in advance of the hearing to test their connection to the WebEx platform.

Ground Rules and Video Conferencing Etiquette:

When not speaking, please mute your microphone. This helps prevent background noise.

Earbuds or headphones are preferable to avoid feedback.

Be aware of your behavior. Because you are on a video conference, people can see what you are doing at all times and *WebEx video conferences are recorded*. Further, others may view the proceedings via public livestream web link that will be provided to the parties and posted to the Court's website in advance of the proceeding.

If connecting from a laptop, plug in the laptop wall power.

Follow all instructions in the video conference invitation and note important supplemental information, such as a backup phone number in case you are disconnected.

Please be respectful; speak slowly and only one at a time.

Try not to speak over other parties. There is a slight delay when using video technology.

The Court appointed crier will be on the call to open and close court and to swear-in witnesses if needed.

Technical Support

**If you have any technical questions or need technical assistance,
contact 717-255-1626.**

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Invitation from the Court:

Prior to your scheduled hearing, you will receive an email from the Court with connection instructions. Please make sure to monitor your SPAM or Junk folder so that you receive the message. It should come from @pacourts.us. Here is the information from a sample invitation.

Commonwealth Court Legal Systems invites you to join this Webex meeting.

Meeting number (access code): 613 778 564 ③
Meeting password: Cy54FR39aBE

Wednesday, March 25, 2020
8:00 am | (UTC-04:00) Eastern Time (US & Canada) | 10 mins

[Join meeting](#) ①

Join by phone
Tap to call in from a mobile device (attendees only)
[1-855-244-8681](#) Call-in toll-free number (US/Canada) ②
[1-650-479-3207](#) Call-in toll number (US/Canada)
[Toll-free calling restrictions](#)

Join from a video system or application
Dial [613778564@pacourts.webex.com](tel:613778564@pacourts.webex.com) ④
You can also dial 173.243.2.68 and enter your meeting number.

Join using Microsoft Lync or Microsoft Skype for Business
Dial [613778564.pacourts@lync.webex.com](tel:613778564.pacourts@lync.webex.com) ⑤

In the invitation, there are multiple connection options:

WebEx: Click on the Green *Join Meeting* button. ①

Phone: Dial either of the numbers listed under *Join by phone*. ②

When prompted, enter the Meeting number (access code) listed near the top of the invitation. ③

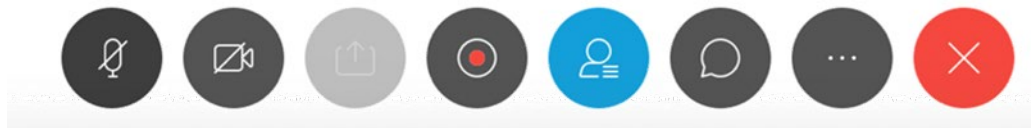
Use the SIP dial in connection number provided for non-WebEx devices such as video conferencing systems. ④

Microsoft Lync/Skype for Business connection information is also provided. ⑤

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Controls while connected to WebEx:

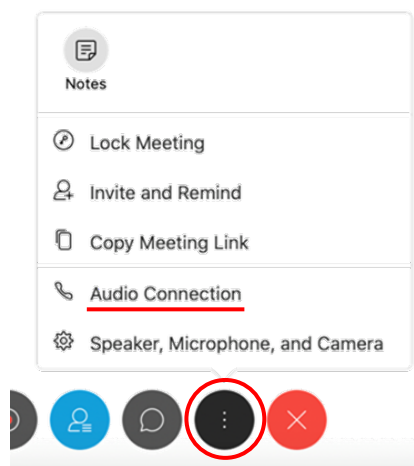
Once connected to a meeting, if you move your mouse, the below control panel should appear. These are the normal controls, but some of them may be disabled which means they will not appear. The icons will be the same.



From left to right, the controls are:

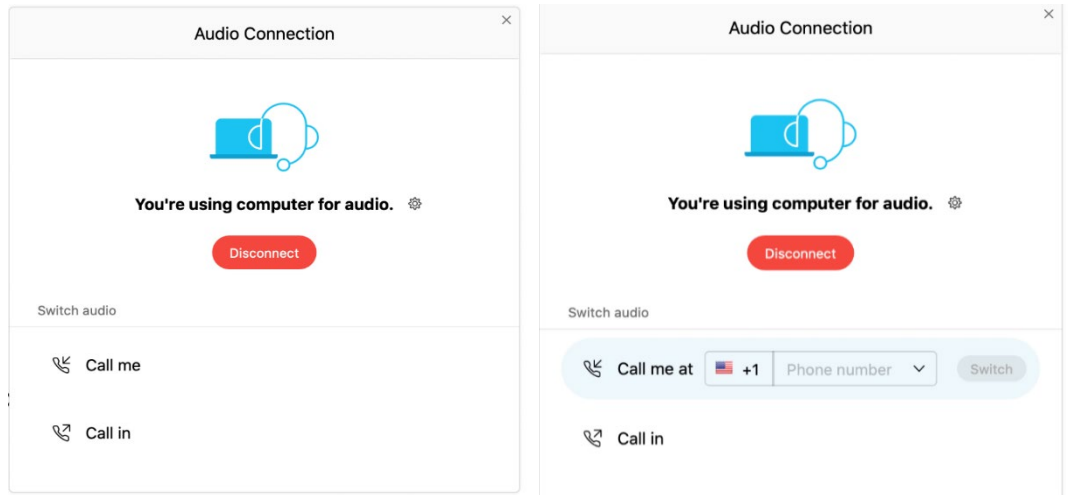
- Mute/unmute microphone
- Turn on/off camera
- Share your desktop
- Recording control (Only available to the Court)
- Open/Close the participant list
- Chat windows
- Options – has more controls available
- End Meeting

Under the More Options button (7 above, the 3 dots icon). If you are having audio difficulties with your computer audio, you can have the system call you. Click on the 3 dots icon and then choose Audio Connection.



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Click on the option “Call Me.” Enter the phone number that the system should call and press the switch button. When the call comes in, you will be prompted to press “1” to connect.



At the end of your call, press the red X to be disconnected.

Procedures regarding Exhibits:

Exhibits should be pre-marked numerically: i.e., P-1, P-2, etc.; and R-1, R-2, etc.

Be aware of personal identifying or confidential information contained in exhibits used during a video hearing, and redact where appropriate consistent with the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*.

No later than the date on any order of the Court, or in the absence of a specific date, twenty-four (24) hours prior to the hearing, counsel and any pro se party shall upload all exhibits intended for use during the hearing to the link provided and should email the Court at CommCourtRemote@pacourts.us to confirm all exhibits have been successfully uploaded. Parties are directed to provide their witnesses with copies of the exhibits in advance of the hearing to which the witnesses can refer during their testimony.