

IN THE SUPREME COURT OF PENNSYLVANIA  
MIDDLE DISTRICT

IN RE:  
New PA Project, et al,  
Pets v. Schmidt, A., et al  
112 MM 2024

RESPONSE OF GREENE COUNTY, PENNSYLVANIA

To The Honorable Justices of the Supreme Court of Pennsylvania;

With respect to the correspondence addressed to the County of Greene, the response of Greene County is as follows:

By an Order dated September 13, 2024, this Court VACATED the Commonwealth Court order in Black Political Empowerment holding both that the Commonwealth Court lacked subject matter jurisdiction “because the joinder of All Schmidt, in his official capacity as Secretary of the Commonwealth, did not suffice to invoke the Commonwealth Court’s original jurisdiction” and “given the failure [of Petitioners] to name the county boards of elections of all 67 counties”.

*Black Political Empowerment Project, et al. v. Schmidt*, No. 68 MAP 2024, September 13, 2024 Order at 1.

Justice Wecht filed a Dissenting Statement that was joined by Chief Justice Todd and Justice Donohue.

Both the Court's order and the Dissenting Statement indicate that, despite the procedural issues, the Court considered whether to exercise its extraordinary powers to hear the substantive issue raised in the BPEP Litigation. Order at 2 ("The request for extraordinary jurisdiction pursuant to 42 Pa.C.S. §726 is DENIED."); Dissenting Statement at 2 ("I would exercise this Court's King Bench authority over the instant dispute and order that the matter be submitted on the briefs.").

The Court declined to exercise its plenary jurisdiction even though it had clear authority to do so and clearly considered doing so. *Id.*

Petitioners' Application presents the same challenge to the date requirement and seeks the same relief that this Court previously rejected to take under its King Bench authority two weeks. It should do the same again.

Respectfully submitted,

/s/ Robert Eugene Grimm, Esq.  
Robert Eugene Grimm, Esquire  
Solicitor for County of Greene

## **CERTIFICATE OF COMPLIANCE**

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

/s/ Robert Eugene Grimm, Esq.  
Robert Eugene Grimm, Esq.