

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

MCCORMICK, DAVID

VS.

NO. 2024-26283

MONTGOMERY COUNTY BOARD OF ELECTIONS

COVER SHEET OF MOVING PARTY

Date of Filing November 19 2024 Moving Party MONTGOMERY COUNTY BOARD OF ELECTIONS

Counsel for Moving Party JOHN A MARLATT, Esq., ID: 210141; Joshua Wertheimer, Esq., ID: 332923

Counsel's email address: JOHN.MARLATT@MONTGOMERYCOUNTYPA.GOV

Document Filed (Specify) MOTION TO DISMISS APPEAL AS MOOT

If a motion to compel discovery, state the Court-ordered Discovery Deadline: 00/00/0000
(failure to complete this space will result in the motion being stricken)

CERTIFICATIONS - Check ONLY if appropriate:

Counsel certify that they have conferred in a good faith effort to resolve the subject discovery dispute. **(Required by Local Rule 208.2(e) on motions relating to discovery.)**

Counsel for moving party certifies that the subject **civil motion** is **uncontested** by all parties involved in the case. (If checked, skip Rule to Show Cause section below.)

RULE TO SHOW CAUSE - Check ONE of the Choices Listed Below:

Respondent is directed to show cause why the moving party is not entitled to the relief requested by filing an **answer** in the form of a **written response** at the **Office of the Prothonotary** on or before the _____ day of _____ 20__

Respondent is directed to show cause, in the form of a **written response**, why the attached Family Court Discovery Motion is not entitled to the relief requested. Rule Returnable and Argument the _____ day of _____, 20__ at **1:00 p.m. at 321 Swede Street, Norristown, PA.**

Respondent is directed to file a **written response** in conformity with the Pennsylvania Rules of Civil Procedure.

Rule Returnable at time of trial.

By: _____
Court Administrator

MONTGOMERY COUNTY SOLICITOR'S OFFICE
By: John A. Marlatt, Esquire
Attorney I.D. No. 210141
Joshua Wertheimer 332923
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(610) 278-3033

Attorneys for Defendant,
Montgomery County Board of
Elections

_____	:	COURT OF COMMON PLEAS
DAVID McCORMICK,	:	MONTGOMERY COUNTY, PA
Plaintiff,	:	
vs.	:	Civil Action -- Law
	:	Docket No. 2024-26283
MONTGOMERY COUNTY BOARD OF	:	
ELECTIONS,	:	
Defendant.	:	
_____	:	

ORDER

AND NOW, this ____ day of _____, 2024, the Montgomery County Board of Elections having removed all misdated and undated mail-in and absentee ballots from the unofficial tally of the 2024 General Election, and not including those ballots as part of the official results certified to the Secretary of the Commonwealth pursuant to the to the November 18, 2024 order from the Pennsylvania Supreme Court, the Motion to Dismiss the Appeal as Moot, filed by the Montgomery County Board of Elections, is **GRANTED** and the appeal is **DISMISSED AS MOOT**.

BY THE COURT:

,J.

mail-in ballots in the November 5, 2024 General Election. See Supreme Court Order (Exhibit A).

4. Pursuant to the attached November 18, 2024 order from the Pennsylvania Supreme Court, the Montgomery County Board of Elections has removed all misdated and undated mail-in and absentee ballots from the unofficial tally of the 2024 General Election, and will not include those ballots as part of the official results certified to the Secretary of the Commonwealth, thereby rendering this appeal moot.

WHEREFORE, the Montgomery County Board of Elections moves to have this appeal be dismissed as moot.

Respectfully submitted,
MONTGOMERY COUNTY SOLICITOR'S OFFICE

/s/ John A. Marlatt
John A. Marlatt, Esquire
Joshua Wertheimer, Esquire
One Montgomery Plaza, Suite 800
P.O. Box 311
Norristown, PA 19404-0311
610-278-3033

Attorneys for Defendant,
Montgomery County Board of Elections

Dated: November 19, 2024

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Attorney for Defendant,
Montgomery County Board of
Elections

	:	
DAVID McCORMICK,	:	COURT OF COMMON PLEAS
Plaintiff,	:	MONTGOMERY COUNTY, PA
vs.	:	
	:	Civil Action -- Law
	:	Docket No. 2024-26283
MONTGOMERY COUNTY BOARD OF	:	
ELECTIONS,	:	
Defendant.	:	

CERTIFICATE OF SERVICE

I, John A. Marlatt, hereby certify that the Defendant's Motion to Dismiss Appeal as Moot was served on the 19th day of November, 2024, via first class mail, postage prepaid upon the following counsel of record:

WALTER S ZIMOLONG, Esq.
ZIMOLONG LLC
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Attorney for Plaintiff

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/s/ John A. Marlatt
John A. Marlatt, Esquire