

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Robert Mancini,	:	
Appellant	:	
	:	
v.	:	
	:	No. 1516 C.D. 2026
Delaware County, Pennsylvania	:	Submitted: October 9, 2026

BEFORE: HONORABLE ANNE E. COVEY, Judge
HONORABLE LORI A. DUMAS, Judge
HONORABLE STELLA M. TSAI, Judge

OPINION NOT REPORTED

MEMORANDUM OPINION BY
JUDGE COVEY

FILED: October 20, 2026

Robert Mancini (Mancini), pro se, appeals from the Delaware County (County) Common Pleas Court's (trial court) September 28, 2026 order denying his Application for Emergency Relief and Seeking a Preliminary Injunction (Application). Mancini also filed in this Court an Emergency Application for Preservation and Injunction Pending Appeal, and for Expedited Consideration (Emergency Application). Essentially, there are two issues before this Court: (1) whether the trial court properly denied the Application;¹ and (2) whether this Court

¹ Mancini presents three questions for this Court's review: (1) whether the trial court may preserve election infrastructure and require a county to report an admitted cyber incident, request and cooperate with an authorized governmental examination, and refrain from deploying implicated components until the responsible officials determine whether those components remain secure and compliant - without the trial court itself finding that a compromise occurred; (2) whether the trial court committed an error of law by effectively requiring Mancini to prove that the election system had already been compromised before granting the requested relief; and (3) whether the trial court's decision lacked reasonable grounds where the record established a County

should grant the Emergency Application. After review, this Court affirms the trial court's order and denies Mancini's Emergency Application.

On July 17, 2026, Mancini filed the Application in the trial court, therein alleging that on "June 26, 2026, [the] County became aware of 'unauthorized activity' in computer systems within the County" (the Breach), and that the "election [information technology ([IT])] infrastructure [(Election IT Infrastructure)] is connected to the [I]nternet." Reproduced Record (R.R.) at 13a-15a (emphasis omitted). Mancini alleged that the parties responsible for the Breach had access to the County's computer systems long before the County discovered the Breach, and prior to the 2026 primary election. *See* R.R. at 15a. Mancini further averred that because the Election IT Infrastructure, which uses the Hart Verity Voting 2.7 system (Verity Voting 2.7),² is purportedly connected to the Internet, the Breach must have compromised the Verity Voting 2.7 as well. Mancini requested the trial court to enter a preliminary injunction to prevent the County from using its electronic voting machines.

On September 9, 2026, the trial court held a hearing on Mancini's Application. Mancini presented no testimony, but offered the following evidence: (1) a County press release acknowledging that a County computer system Breach occurred on June 26, 2026; (2) a screenshot of the County Election Results website; (3) the internal IT incident reporting policy for the Pennsylvania Office of Administration (IT Reporting Policy); (4) a screenshot intending to show the testing

cyber incident, election functions connected to the Commonwealth of Pennsylvania's computer network, repeated removable-media transfers between election system components and a network computer, an incomplete investigation, and no competent evidence of effective segregation, compliant media handling, authorized examination, or clearance for continued deployment. *See* Mancini Br. at 5-6. These issues are subsumed in the stated issue and will be addressed accordingly.

² "Verity Voting 2.7 is a paper-based voting system that provides end-to-end election support, from defining an election to generating final reports." R.R. at 229a.

lab that certified the Verity Voting 2.7; (5) the Pennsylvania Department of State's Certification Test Report for Verity Voting 2.7 (*see* R.R. at 142a-184a); and (6) the record of the Verity 2.7.1 trusted build (*see* R.R. at 185a-189a). Mancini then rested his case-in-chief.

The County presented its Director of Elections James Allen (Director Allen), who explained that the election system, i.e., the devices the County used for vote tabulation, is not connected to the Internet, has never been connected to the Internet, and the County does not plan to connect it to the Internet. *See* R.R. at 73a-74a. Director Allen testified, specifically, and repeatedly, that the election system was not subject to the Breach. *See id.* at 81a-82a, 87a-89a.

On September 18, 2026, Mancini filed a Post-Hearing Memorandum and a Proposed Order. On September 23, 2026, the County filed its Post-Hearing Brief. On September 24, 2026, Mancini filed a "Reply Brief and Reply to New Matter." R.R. at 327a. On September 28, 2026, the trial court denied the Application. On September 28, 2026, Mancini filed an Emergency Motion for Reconsideration and requested the trial court to issue a stay pending appeal. On September 30, 2026, Mancini appealed to this Court.

On October 3, 2026, Mancini filed in this Court the Emergency Application. Also on October 3, 2026, Mancini filed in this Court an Application for Leave to File his Brief and Reproduced Record Before Issuance of the Ordinary Briefing Schedule (Application for Leave to File) for an accelerated merits schedule and disposition, and for leave to submit a short supplemental brief confined to any factual finding or legal rationale first supplied in any opinion the trial court may file pursuant to Pennsylvania Rule of Appellate Procedure (Rule) 1925(a) (Rule 1925(a) Opinion).³ By October 5, 2026 Order, this Court granted Mancini's Application for

³ The trial court did not issue an opinion in support of its order.

Leave to File, and directed that the matter be submitted for expedited disposition on the papers. That same day, Mancini filed his brief and Reproduced Record, and a Preliminary Statement and Direct Answer (Preliminary Statement). The County neither filed an answer to the Emergency Application nor a brief. On October 9, 2026, Mancini filed a reply brief.⁴

I. Mancini's Appeal

Initially,

an appellate court reviews an order granting or denying a preliminary injunction for an abuse of discretion. *Summit Towne C[tr.], Inc. v. Shoe Show of Rocky Mount, Inc.*, . . . 828 A.2d 995, 1000 (Pa. 2003). Under this highly deferential standard of review, an appellate court does not inquire into the merits of the controversy, but examines the record “to determine if there were any apparently reasonable grounds for the action of the court below.” *Id.*, (quoting *Roberts v. B[d.] of Dirs. of Sch. Dist.*, . . . 341 A.2d 475, 478 (Pa. 1975)). **“Apparently reasonable grounds” exist to support a [trial] court’s denial of injunctive relief where the [trial] court has properly found that any one of the six “essential prerequisites” for a preliminary injunction is not satisfied.** *Id.* at 1002.

The six essential prerequisites that a moving party must demonstrate to obtain a preliminary injunction are as follows: (1) the injunction is necessary to prevent immediate and irreparable harm that cannot be compensated adequately by damages; (2) greater injury would result from refusing the injunction than from granting it, and, concomitantly, the issuance of an injunction will not substantially harm other interested

⁴ As permitted by this Court’s October 5, 2026 Order which stated that Mancini “may file with the Court four copies of a reply brief, if any, including any response to the trial court’s Rule 1925(a) [O]pinion[.]” Mancini filed what he characterized as a “Reply Brief” despite that the County did not file a brief.

parties in the proceedings; (3) the preliminary injunction will properly restore the parties to their status as it existed immediately prior to the alleged wrongful conduct; (4) the party seeking injunctive relief has a clear right to relief and is likely to prevail on the merits; (5) the injunction is reasonably suited to abate the offending activity; and[] (6) the preliminary injunction will not adversely affect the public interest. *Warehime v. Warehime*, . . . 860 A.2d 41, 46-47 (Pa. 2004) (citing *Summit Towne C[tr.], Inc.*, 828 A.2d at 1001).

SEIU Healthcare Pa. v. Commonwealth, 104 A.3d 495, 501-02 (Pa. 2014) (bold and underline emphasis added; footnote omitted).

“Because the grant of a preliminary injunction is a harsh and extraordinary remedy, it is to be granted only when and if *each* [factor] has been fully and completely established.” *Pa. AFL-CIO by George v. Commonwealth*, 683 A.2d 691, 694 (Pa. Cmwlth. 1996) (emphasis in original). However, “if the petitioner fails to establish any one of them, there is no need to address the others.” *Lee Publ[’]ns, Inc. v. Dickinson Sch[.] of Law*, 848 A.2d 178, 189 (Pa. Cmwlth. 2004) (*en banc*) . . . (quoting *C[nty.] of Allegheny v. Commonwealth*, . . . 544 A.2d 1305, 1307 (Pa. 1988)).

Cutler v. Chapman, 289 A.3d 139, 150 (Pa. Cmwlth. 2023).

With respect to irreparable harm,

[a p]etitioner [is] required to present “concrete evidence” demonstrating “actual proof of irreparable harm.” *Greenmoor, Inc. v. Burchick Constr[.] Co., Inc.*, 908 A.2d 310, 314 (Pa. Super. 2006). A claim of irreparable harm cannot be based on speculation and hypothesis, and for purposes of a preliminary injunction, the harm must be irreversible before it is deemed irreparable. *Id.* at 314; *see also Kiddo v. Am[.] Fed[’n] of State* (Pa. Cmwlth.[.] No. 468 C.D. 2019, filed Aug[.] 3, 2020)⁵ . . . (quoting *Novak*

⁵ This Court’s unreported memorandum opinions filed after January 15, 2008, may be cited “for [their] persuasive value, but not as binding precedent.” Section 414(a) of the Commonwealth

v. Commonwealth, . . . 523 A.2d 318, 320 ([Pa.] 1987), and stating that “the alleged harm or consequences must not be speculative in nature and [that] ‘speculative considerations . . . cannot form the basis for issuing [a preliminary injunction]’”).

Cutler, 289 A.3d at 154-55.

Here, Director Allen testified repeatedly and emphatically that the County’s election system is not connected to the County’s website and is not connected to the Internet. Thus, according to Director Allen, the Breach of the County’s *computer system* could not have affected the County’s *election system*.

As fact-finder, the trial court maintains exclusive province over matters involving the credibility of witnesses and the weight afforded to the evidence. *In re Penn-Delco Sch[.] Dist[.]*, 903 A.2d 600, 608 (Pa. Cmwlth. 2006) The trial court is free to believe all, part, or none of the evidence presented, and is likewise free to make all credibility determinations and resolve conflicts in the evidence.

Ziegler v. City of Reading, 216 A.3d 1192, 1202 (Pa. Cmwlth. 2019). The trial court as fact-finder was free to credit Allen’s testimony. Because Director Allen was the only witness who testified and the only other evidence presented during the hearing was Mancini’s documentary evidence, this Court can infer from the trial court’s decision denying the Application that it found Director Allen credible.

Importantly, here, Mancini did not testify and offered no other testimony in his case-in-chief. Rather, Mancini **only** presented documentary evidence relating to the existence of the Breach, a County Election Results website screenshot, the IT Reporting Policy, and technical documents relating to the County’s election devices. Because Director Allen testified that the Breach of the

Court’s Internal Operating Procedures, 210 Pa. Code § 69.414(a). *Kiddo* is cited for its persuasive value.

County's computer system could not have affected the County's election system, it was reasonable for the trial court to conclude that Mancini did not meet his burden of proving that the injunction is necessary to prevent immediate and irreparable harm. Mancini's supposition that the County system's Breach infected the election system and will affect the vote tabulation in the election, i.e., the irreparable harm, is simply speculation. Thus, Mancini did not provide the requisite "'concrete evidence' demonstrating 'actual proof of irreparable harm.'" *Cutler*, 289 A.3d at 154 (quoting *Greenmoor*, 908 A.2d at 314). This deficiency alone constituted reasonable grounds for the trial court's denial of the preliminary injunction. *See Cutler*.⁶ Accordingly, the trial court properly denied the Application.

II. Mancini's Emergency Application

In his Emergency Application, Mancini requested this Court to issue a stay or enjoin the trial court's order. Rule 1732 governs the filing of an application for a stay or injunction pending appeal. Rule 1732(a) provides that an application for a stay "must ordinarily be made in the first instance to the trial court[.]" Pa.R.A.P. 1732(a). Notwithstanding, Rule 1732(b) states that an application for a stay of a trial court's order

may be made to the appellate court or to a judge thereof,
but the application shall show that application to the trial
court for the relief sought is not practicable, or that the trial

⁶ Although the trial court did not make any factual findings or credibility determination, this Court need not remand to the trial court because Mancini did not present any evidence on the required factors for a preliminary injunction. *See Dep't of Agric. by Redding v. Miller*, 329 A.3d 145, 152 n.9 (Pa. Cmwlth. 2025) (wherein this Court reversed the trial court's partial grant of a preliminary injunction where the trial court did not make a finding that there would be irreparable harm without a preliminary injunction, stating that although the trial court did not make any factual findings in support of its preliminary injunction order, "it would not make sense for th[is] Court to remand for the trial court to make [] finding[s] because [the petitioner] presented no evidence whatsoever" on the required factors).

court has denied an application, or has failed to afford the relief which the applicant requested, with the reasons given by the trial court for its action.

Pa.R.A.P. 1732(b). In his Emergency Application, Mancini explained that in his September 28, 2026 Emergency Motion for Reconsideration he requested the trial court to issue a stay pending appeal, but the trial court did not rule on his request. Given the limited time before the election, this Court concludes that it would not be practicable to wait for the trial court to deny Mancini's Emergency Motion for Reconsideration before ruling on his Emergency Application in this Court.

This Court has explained:

It is well established that a stay pending appeal is warranted only if:

1. The [moving party] makes a strong showing that he is likely to prevail on the merits[;]
2. The [moving party] has shown that without the requested relief, he will suffer irreparable injury[;]
3. The issuance of a stay will not substantially harm other interested parties in the proceedings[; and]
4. The issuance of a stay will not adversely affect the public interest.

Pa. Pub[.] Util[.] Comm'n v. Process Gas Consumers Grp., . . . 467 A.2d 805, 808-09 (Pa. 1983). Applicants must make a strong showing on each of the above criteria in order to justify the issuance of a stay. *Id.*

Bethke v. City of Phila., 282 A.3d 884, 888 (Pa. Cmwlth. 2022).

Mancini's Emergency Application and his Preliminary Statement refer to the evidence he presented to the trial court in support of his argument that he is entitled to a stay. As stated above, because Mancini's supposition that the County

system's Breach infected the election system and will affect the vote tabulation in the upcoming election, i.e., the irreparable harm, is simply speculation, Mancini did not furnish the requisite "concrete evidence' demonstrating 'actual proof of irreparable harm.'" *Cutler*, 289 A.3d at 154 (quoting *Greenmoor*, 908 A.2d at 314). Since Mancini cannot show that without the requested relief, he will suffer irreparable injury, he cannot justify the issuance of a stay. *See Bethke*. Accordingly, this Court denies Mancini's Emergency Application.

For all of the above reasons, the trial court's order is affirmed.

ANNE E. COVEY, Judge

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Appellant	:	
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ORDER

AND NOW, this 20th day of October, 2026, the Delaware County Common Pleas Court's September 28, 2026 order is AFFIRMED. Robert Mancini's Emergency Application for Preservation and Injunction Pending Appeal, and for Expedited Consideration is DENIED.

ANNE E. COVEY, Judge