Supreme Court of Pennsylvania

Court of Common Pleas
Civil Cover Sheet

ERIE County

For Prothonotary Use Only:	
Docket No:	

COMMON PLEAS COURT ERIE, PA 2024 NOV 18 AM 10:42 OFFICE OF RECORDS PROTHONOTARY

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

Commencement of Action:
☐ Complaint ☐ Writ of Summons ☐ Petition
☐ Transfer from Another Jurisdiction ☐ Declaration of Taking

Lead Plaintiff's Name: Michelle Previte	Lead Defendant's Name: Erie County Board of Elections
Are money damages requested? ☐ **Yes** ☐ **No**	Dollar Amount Requested: (check one) ☐ within arbitration limits ☐ outside arbitration limits
Is this a *Class Action Suit*? ☐ **Yes** ☒ **No**	**Is this an *MDJ Appeal*?** ☐ **Yes** ☒ **No**

Name of ~~Plaintiff~~/Appellant's Attorney: Jay R. Stranahan, Esquire

☐ **Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)**

SECTION B

Nature of the Case: Place an "X" to the left of the **ONE** case category that most accurately describes your ***PRIMARY CASE.*** If you are making more than one type of claim, check the one that you consider most important.

TORT *(do not include Mass Tort)*
- ☐ Intentional
- ☐ Malicious Prosecution
- ☐ Motor Vehicle
- ☐ Nuisance
- ☐ Premises Liability
- ☐ Product Liability *(does not include mass tort)*
- ☐ Slander/Libel/ Defamation
- ☐ Other: _____

MASS TORT
- ☐ Asbestos
- ☐ Tobacco
- ☐ Toxic Tort - DES
- ☐ Toxic Tort - Implant
- ☐ Toxic Waste
- ☐ Other: _____

PROFESSIONAL LIABLITY
- ☐ Dental
- ☐ Legal
- ☐ Medical
- ☐ Other Professional: _____

CONTRACT *(do not include Judgments)*
- ☐ Buyer Plaintiff
- ☐ Debt Collection: Credit Card
- ☐ Debt Collection: Other _____
- ☐ Employment Dispute: Discrimination
- ☐ Employment Dispute: Other _____
- ☐ Other: _____

REAL PROPERTY
- ☐ Ejectment
- ☐ Eminent Domain/Condemnation
- ☐ Ground Rent
- ☐ Landlord/Tenant Dispute
- ☐ Mortgage Foreclosure: Residential
- ☐ Mortgage Foreclosure: Commercial
- ☐ Partition
- ☐ Quiet Title
- ☐ Other: _____

CIVIL APPEALS
Administrative Agencies
- ☐ Board of Assessment
- ☐ Board of Elections
- ☐ Dept. of Transportation
- ☒ Statutory Appeal: Other Right to Know Request
- ☐ Zoning Board
- ☐ Other: _____

MISCELLANEOUS
- ☐ Common Law/Statutory Arbitration
- ☐ Declaratory Judgment
- ☐ Mandamus
- ☐ Non-Domestic Relations Restraining Order
- ☐ Quo Warranto
- ☐ Replevin
- ☐ Other: _____

Updated 1/1/2011

IN THE MATTER OF	:	**IN THE COURT OF COMMON PLEAS**
	:	
MICHELLE PREVITE,	:	**OF ERIE COUNTY, PENNSYLVANIA**
Appellee/Requester	:	
	:	
VS.	:	
	:	
ERIE COUNTY BOARD	:	
OF ELECTIONS,	:	
Appellant/Respondent	:	**NO.:** 12720-22
	:	

COMMON PLEAS COURT
ERIE, PA
2022 NOV 18 AM 10:42
CLERK OF RECORDS
PROTHONOTARY

NOTICE OF APPEAL

AND NOW, comes the Appellant, The Erie County Board of Elections ("Agency" herein), and appeals for review the Final Determination issued by Pennsylvania Office of Open Records on October 20, 2022 at Docket No. AP 2022-2191 pursuant to 65 Pa. C.S. §67.1302(a) and Erie L.R. 311 as follows:

1. The Agency is not in possession, custody or control of the identified records as requested. 65 Pa. C.S. §67.901.

2. The presumption that a record in the possession of a local agency is a public record is inapplicable as the Agency is not in possession of the records as requested. 65 Pa. C.S. §67.305.

3. The records being requested cannot be provided in the requested medium as they do not exist in the requested medium. 65 Pa. C.S. §67.701.

4. The Agency is not required to create a record which does not currently exist or to compile, maintain, format or organize a record in a manner in which the Agency does not currently compile, maintain, format or organize the record. 65 Pa. C.S. §67.705.

5. The requested records are, in whole or in part, contents of ballot boxes and/or voting machines and/or records of assisted voters, and not open to public inspection. 25 Pa. C.S. §2648.

6. The requested records are, in part, exempt from public records as a record maintained by the Agency in connection with the military. 65 Pa. C.S. §67.708 (b) (2).

7. The requested records are, in part, information concerning military electors and shall not be made public. 25 Pa. C.S. §3150.17.

I, Aubrea Hagerty-Haynes Prothonotary of the Court of Common Pleas of Erie County, PA., do certify that this is a true and correct copy of the original record filed in said court.
Aubrea Hagerty-Haynes
Prothonotary:
Date: 11/18/22 Deputy:

Respectfully submitted,

CARNEY & GOOD

By: _____

Jay R. Stranahan, Esquire
Counsel for Appellant/Respondent
Attorney I.D. #92658
254 West Sixth Street
Erie, Pa. 16507-1398
(814) 453-5004 (v)
(814) 453-5006 (f)

IN THE MATTER OF	:	**IN THE COURT OF COMMON PLEAS**
	:	
MICHELLE PREVITE,	:	**OF ERIE COUNTY, PENNSYLVANIA**
Appellee/Requester	:	
	:	
VS.	:	
	:	
ERIE COUNTY BOARD	:	
OF ELECTIONS,	:	
Appellant/Respondent	:	**NO.:**
	:	

VERIFICATION

I, Mary Rennie, Chairwoman, Erie County Board of Elections, verify that the statements made in this Appeal are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are subject to penalties under 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.

Mary Rennie

Mary Rennie, Chairwoman
Erie County Board of Elections

Dated: 11/10/22

IN THE MATTER OF	:	**IN THE COURT OF COMMON PLEAS**
	:	
MICHELLE PREVITE,	:	**OF ERIE COUNTY, PENNSYLVANIA**
Appellee/Requester	:	
	:	
VS.	:	
	:	
ERIE COUNTY BOARD	:	
OF ELECTIONS,	:	
Appellant/Respondent	:	**NO.:**

CERTIFICATE OF SERVICE

I, Jay R. Stranahan, Esquire, counsel for Appellant/Respondent, hereby certify that a true and correct copy of this Appeal was served this 18th day of November 2022, upon the following in the following manners:

First Class Mail and Certified Mail, Return Receipt Requested:

Michelle Previte
210 West 37th Street
Erie, Pennsylvania 16508

First Class Mail and Certified Mail, Return Receipt Requested and email:

Lyle Hartranft, Esq.,
Appeals Officer
Office of Open Records
333 Market Street
16th Floor
Harrisburg, Pennsylvania 17101-2234
lhartranft@pa.gov

By: _____
Jay R. Stranahan, Esquire
Counsel for Appellant/Respondent
Attorney I.D. #92658
254 West Sixth Street
Erie, Pa. 16507-1398
(814) 453-5004 (v)
(814) 453-5006 (f)