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February 28, 2023

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OFFICE OF OPEN RECORDS

Honorable Erin Connelly Marucci
Erie County Court House
Erie, PA 16501

RE: Michelle Previte vs. Erie County Board of Elections
Original Docket No.: AP 2022 – 2191
Erie County Court of Common Pleas Docket No.: 12720 – 2022

Dear Judge Connelly Marucci:

Please find enclosed a time-stamped copy of Erie County Council's Motion to Extend Briefing Schedule. Thank you for your time and attention.

Sincerely,

CARNEY & GOOD

By: /s/ Jay R Stranahan by KAF
Jay R. Stranahan, Esq.

JRS/ls
enclosure
cc: Michelle Previte (w/encl.)
Lyle Hartranft, Esquire (w/encl.)
Julie Slomski, County Clerk (w/encl.)

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 – 2022**
	:	

COMMON PLEAS COURT
ERIE, PA
2023 FEB 28 PM 3:33
CLERK OF RECORDS
PROTHONOTARY

MOTION TO EXTEND BRIEFING SCHEDULE

AND NOW, comes the Erie County Board of Elections, by and through its counsel, **CARNEY & GOOD**, and files this Motion to Extend Briefing Schedule stating in support thereof as follows:

1. On August 1, 2022, the Appellee, Michelle Previte, filed a request with the Appellant, Erie County Board of Elections, ("County" herein) pursuant to the Right to Know Law, 65 Pa. C.S. §67.101 *et seq.*, seeking:

   a. Electronic copies of the images of all mail-in ballots, (including absentee ballots) from the November, 2020 election;

   b. An electronic copy of the images of all outer envelopes (containing each voter's declaration) for the mail-in ballots, (including absentee ballots) from the November, 2020 election, and;

   c. An electronic copy of the images of all polling place ballots from the November, 2020 election.

2. The County denied the request, and Ms. Previte appealed the decision to the Pennsylvania Office of Open Records.

3. On February 10, 2023 the Honorable Erin Connelly Marucci held an evidentiary hearing in this matter as a result of the County's appeal from the Office of Open Records' Final Determination.

4. The parties were directed at the conclusion of the hearing that Proposed Findings of Fact and Conclusions of Law were due within twenty (20) days.

5. The County submitted a request for the hearing transcript on February 13, 2023.

6. The court reporter attending this hearing, Lisa Leopold, has recently returned from vacation and has a backlog of transcription. The County was advised through counsel on February 24, 2023 that it would be a minimum of another week before this transcript would be completed.

7. The County requests an extension of 30 days in which to prepare it's Proposed Findings of Fact and Conclusions of Law.

8. An extension of 30 days is not an unreasonable delay, and no additional delays are anticipated.

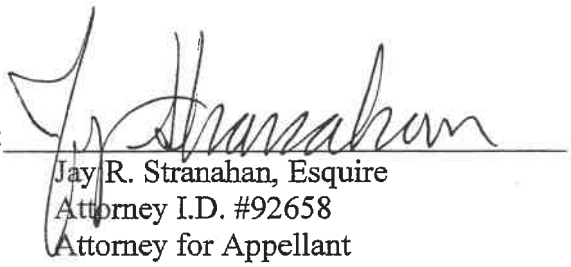
9. Neither party will be prejudiced by extending the briefing schedule 30 days.

10. Extending the briefing schedule 30 days will give the parties more opportunity to adequately review the transcript and prepare better written submissions for this Court's consideration.

WHEREFORE, Appellant respectfully requests an extension of 30 days in which to file its Findings of Fact and Conclusions of Law in this matter.

Respectfully submitted,

CARNEY & GOOD

By: 

Jay R. Stranahan, Esquire
Attorney I.D. #92658
Attorney for Appellant
254 West Sixth Street
Erie, Pa. 16507-1398
Ph. (814) 453-5004

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 – 2022**

CERTIFICATE OF SERVICE

I, Jay R. Stranahan, Esquire, counsel for Appellant, hereby certify that a true and correct copy of Motion to Extend Briefing Schedule was served this 28th day of February, 2023, 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)

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 – 2022**

VERIFICATION

I, Jay R. Stranahan, Esquire, first being duly sworn according to law, depose and say that I am counsel for the Appellant, and that I am authorized to make this verification on behalf of the Appellant. The facts set forth in the foregoing Motion to Extend Briefing Schedule are true and correct to the best of my knowledge, information, and belief, said knowledge not being based on actual knowledge of my own, but on information supplied to me by the Appellant. This verification is made in order to expedite the filing of this Motion to Extend Briefing Schedule and a verification of the Appellant, will be supplied upon demand.

Jay R. Stranahan, Esquire
Attorney for Appellant

Dated: 2/28/23

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 – 2022**

ORDER

AND NOW, to-wit, this day of , 2023 upon consideration of the foregoing Motion to Extend Briefing Schedule, it is hereby ORDERED, ADJUDGED, and DECREED that said Motion is **GRANTED**. The Proposed Findings of Fact and Conclusions of Law are due on or before _____, 2023.

BY THE COURT:

_____

J.

Law Offices of
Carney & Good
254 West Sixth Street
Erie, PA 16507-1398

FIRST-CLASS

US POSTAGE PITNEY BOWES

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FEB 28 2023

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

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