

IN THE COURT OF COMMON PLEAS
LANCASTER COUNTY, PENNSYLVANIA
CIVIL DIVISION

MICHAEL MILLER
Petitioner,

v.

COUNTY OF LANCASTER
Respondent.

(PETITION TO ENFORCE A FINAL
(DETERMINATION OOR DOCKET
(NO: AP 2022-1749
(
(CI-22-08146
(
(JUDGE DAVID L. ASHWORTH

RECORDED AND FILED
JUN - 8 PM 12: 21
PROCTOR'S OFFICE
LANCASTER, PA

NOTICE OF APPEAL

Notice is hereby given that the Petitioner appeals to the Commonwealth Court of Pennsylvania from the order entered in this matter on May 12, 2023. The docket index is attached.

Respectfully Submitted this 7th day of June 2023.



Michael Miller, Pro Se
PO Box 802
Ephrata PA 17522
717-388-0163

RCT#
165891

77.50 PD
CR# 683
gac

PROTHONOTARY OF LANCASTER COUNTY

Andrew E. Spade
Prothonotary

George Alspach
Solicitor

MICHAEL MILLER
vs.
COUNTY OF LANCASTER

Case Number
CI-22-08146

Case Participants

ATTORNEY FOR RESPONDENT
CLAUDIA N SHANK, ESQ

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MICHAEL MILLER

Respondent
COUNTY OF LANCASTER

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Attorney Relationships

Respondent Attorney	Respondent
CLAUDIA N SHANK, ESQ	COUNTY OF LANCASTER
CLAUDIA N SHANK, ESQ	COUNTY OF LANCASTER
CLAUDIA N SHANK, ESQ	COUNTY OF LANCASTER
CLAUDIA N SHANK, ESQ	COUNTY OF LANCASTER
CLAUDIA N SHANK, ESQ	COUNTY OF LANCASTER
PETER WERTZ, ESQ.	COUNTY OF LANCASTER

PROTHONOTARY DOCKET ENTRIES

Entry Date	Description	Pages
12/29/2022	VERIFIED PETITION TO ENFORCE A FINAL DETERMINATION FILED BY MICHAEL MILLER, PETITIONER, PRO SE COPY (1) WITH RECEIPT HANDED BACK OVER THE COUNTER TO PETITIONER ON 12/29/2022 COPY WITH WRIT OF CERTIORARI SENT TO OFFICE OF OPEN RECORDS 333 MARKET ST 16TH FLOOR, HARRISBURG, PA 17101 ON 1/4/2023	31
12/29/2022	CAPTION ENTRY IS: MICHAEL MILLER AKA MIKE MILLER VS. COUNTY OF LANCASTER	
01/03/2023	CASE ASSIGNED TO JUDGE ASHWORTH	
01/05/2023	Sheriff's Return - Civil Action - Petition Sheriff Costs: \$57.63	1
01/23/2023	PRAECIPE-ENTER APPEARANCE PRAECIPE FOR ENTRY OF APPEARANCE. TO THE PROTHONOTARY: PLEASE ENTER THE APPEARANCE OF CLAUDIA SHANK AND PETER WERTZ AS COUNSEL OF RECORD IN THIS MATER ON BEHALF OF RESPONDENT, COUNTY OF LANCASTER. CERTIFICATES OF SERVICE AND COMPLIANCE. FILED BY CLAUDIA SHANK, ESQUIRE. PRAECIPE FOR ENTRY OF APPEARANCE	
01/23/2023	PRELIMINARY OBJECTIONS OF RESPONDENT TO PETITION FOR REVIEW OF FINAL DETERMINATION OF OOR. CERTIFICATES OF SERVICE AND COMPLIANCE. FILED BY CLAUDIA SHANK, ESQUIRE.	13
01/30/2023	CERTIFICATION OF RECORD FROM THE OFFICE OF OPEN RECORDS FILED. CERTIFICATE OF SERVICE OF SAME. NOTICE OF MAKING RETURN MAILED ON 1-31-23 TO MICHAEL MILLER, APPELLANT.	105
02/02/2023	BRIEF IN SUPPORT OF RESPONDENT'S PRELIMINARY OBJECTIONS TO PETITIONER'S PETITION TO ENFORCE A FINAL DETERMINATION OF OOR. CERTIFICATES OF SERVICE AND COMPLIANCE. FILED BY CLAUDIA SHANK, ESQUIRE.	
02/14/2023	BRIEF RESPONSIVE BRIEF IN SUPPORT OF PETITIONER'S MOTION TO DIDMISS RESPONDENT'S PRELIMINARY OBJECTIONS. FILED BY MICHAEL MILLER, PLAINTIFF, PRO SE. RESPONSIVE BRIEF TO RESPONDENT'S PRELIMINARY OBJECTIONS AND SUPPORTING BRIEF	
02/21/2023	REPLY BRIEF OF RESPONDENT IN SUPPORT OF PRELIMINARY OBJECTIONS. CERTIFICATES OF SERVICE AND COMPLIANCE. FILED BY CLAUDIA N. SHANK, ESQUIRE.	
02/21/2023	PRAECIPE FOR DISPOSITION OF RESPONDENT'S PRELIMINARY OBJECTIONS AND ALL BRIEFS FILED IN CONNECTION THEREWITH, PURSUANT TO L.C.R.C.P. RULE NO. 1028(C). FILED BY CLAUDIA SHANK, ESQ. WITH CERTIFICATE OF COMPLIANCE AND SERVICE. (ASSIGNED TO PRESIDENT JUDGE ASHWORTH - FEBRUARY 22, 2023)	

03/29/2023 RESPONSE PETITIONER'S RESPONSE TO RESPONDENT'S MOTION TO DISMISS WITH PREJUDICE. CERTIFICATE OF SERVICE. FILED BY MICHAEL MILLER, PETITIONER PRO SE. RESPONSE TO RESPONDENT'S MOTION TO DISMISS THE PETITIONER'S PETITION.

(INTEROFFICE ASHWORTH)

04/14/2023 MOTION / BRIEF MOTION TO PRESERVE RECORDS, BRIEF IN SUPPORT OF MOTION TO PRESERVE OF MOTION TO ORDER PRESERVATION OF RECORDS FILED BY MICHAEL MILLER, PLAINTIFF, PRO SE. PETITIONER MOTION TO ORDER PRESERVATION OF RECORDS

4

(INTEROFFICE ASHWORTH)

05/04/2023 BRIEF RESPONDENT'S BRIEF IN OPPOSITION TO PETITIONER'S MOTION TO PRESERVE RECORDS. CERTIFICATES OF COMPLIANCE AND SERVICE. FILED BY CLAUDIA N. SHANK, ESQUIRE.

(INTEROFFICE ASHWORTH)

05/04/2023 RESPONSE RESPONDENT'S RESPONSE IN OPPOSITION TO PETITIONER'S MOTION TO PRESERVE RECORDS. CERTIFICATES OF COMPLIANCE AND SERVICE. FILED BY CLAUDIA N. SHANK, ESQUIRE.

(INTEROFFICE ASHWORTH)

05/12/2023 OPINION AND ORDER:
AND NOW, THIS 12TH DAY OF MAY, 2023, UPON CONSIDERATION OF THE PETITION TO ENFORCE AN ORDER BY THE OFFICE OF OPEN RECORDS, RESPONDENT'S PRELIMINARY OBJECTIONS TO THE PETITION, THE BRIEFS FILED BY THE PARTIES, AND FOR THE REASONS STATED IN THE ACCOMPANYING OPINION, IT IS HEREBY ORDERED THAT RESPONDENT'S FIRST PRELIMINARY OBJECTION IS OVERRULED, AND THE SECOND AND THIRD PRELIMINARY OBJECTIONS ARE SUSTAINED. IT IS FURTHER ORDERED THAT THE PETITION SHALL BE DISMISSED WITH PREJUDICE WITHOUT NEED FOR A HEARING.
BY THE COURT: DAVID L. ASHWORTH, PRESIDENT JUDGE
CC: MICHAEL MILLER
CLAUDIA N. SHANK, ESQ
236 NOTICE SENT 05-12-23

12

AND NOW, THIS 12TH DAY OF MAY, 2023, UPON CONSIDERATION OF MICHAEL MILLER'S MOTION TO PRESERVE RECORDS AND THE COUNTY OF LANCASTER'S RESPONSE IN OPPOSITION TO SAID MOTION, IT IS HEREBY ORDERED THAT THE MOTION IS DENIED FOR FAILURE TO COMPLY WITH THE REQUIREMENTS OF THE LANCASTER COUNTY LOCAL RULES OF COURT AND THE PENNSYLVANIA RULES OF CIVIL PROCEDURE.(1)

(1) PETITIONER ASKS THIS COURT TO "PRESERVE ALL ELECTION RECORDS FOR THE MAY 2022 PRIMARY ELECTION[,]" AND CITES TO 25 PA C.S.A. SECTION 2649. THE LANCASTER COUNTY LOCAL RULES OF COURT AND THE PENNSYLVANIA RULES OF CIVIL PROCEDURE REQUIRE THAT A MOTION:

- (1) CONTAIN A CAPTION SETTING FORTH THE NAME OF THE COURT, THE NUMBER OF THE ACTION, THE NAME OF THE MOTION, AND THE NAME OF THE MOVING PARTY,
- (2) BE DIVIDED INTO PARAGRAPHS NUMBERED CONSECUTIVELY,
- (3) SET FORTH MATERIALS FACTS CONSTITUTING GROUNDS FOR THE RELIEF SOUGHT, SPECIFY, THE RELIEF SOUGHT AND INCLUDE A PROPOSED ORDER,
- (4) INCLUDE A CERTIFICATE OF SERVICE WHICH SETS FORTH THE MANNER OF SERVICE INCLUDING THE NAME OF AN ATTORNEY OF RECORD FOR EACH PARTY THAT IS REPRESENTED BY COUNSEL, THE PARTY WHOM THE ATTORNEY REPRESENTS, A "PRO SE" DESIGNATION FOR EACH PARTY THAT IS UNREPRESENTED, AND THE ADDRESS AT WHICH SERVICE WAS MADE, AND
- (5) BE SIGNED AND ENDORSED.

BY THE COURT: DAVID L. ASHWORTH, PRESIDENT JUDGE
236 NOTICE SENT 05/12/2023

COPIES TO:

- MICHAEL MILLER, PO COX 802, EPHRATA, PA 17522(1)
- CLAUDIA N. SHANK, ESQUIRE, 570 LAUSCH LANE, SUITE 200, LANCASTER, PA 17601(1)
- (1) VIA FIRST CLASS MAIL DATE: 05/12/2023

June 05, 2023

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing document by upon the following:

Claudia Shank
McNEES WALLACE AND NURICK LLC
570 Lausch Lane, Suite 200
Lancaster PA 17601
(by *First-Class Mail*)

Liz Wagenseller
Executive Director
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PROTICUS-CENTRAL OFFICE
LANCASTER, PA
23 JUN - 8 PM 12:21
ENTERED AND FILED

Respectfully Submitted on June 7, 2023,

By Michael Miller

Michael Miller, Pro Se
PO Box 802
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