

LAW OFFICE OF THOMAS J CARROLL

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IN THE COURT OF COMMON PLEAS OF
DELAWARE COUNTY, PENNSYLVANIA
CIVIL ACTION-LAW

RUTH MOTON,
2550 Blueball Ave,
Upper Chichester, PA 19061

LEAH HOOPES,
241 Sulky Way,
Chadds Ford, PA 19317

GREGORY STENSTROM,
1541 Farmers Lane,
Glen Mills, PA 19342

Plaintiffs,

v.

**FORMER SECRETARY OF THE
COMMONWEALTH, KATHY
BOOCKVAR,**
34 Jericho Run, Washington
Crossing, PA 18977
in her official and individual capacity,

and,

DELAWARE COUNTY,

and,

**DELAWARE COUNTY BOARD OF
ELECTIONS,**

and,

**DELAWARE COUNTY BUREAU OF
ELECTIONS,**

and,

JAMES BYRNE,
606 E. Baltimore Pike,
Media, PA 19063
in his official and individual capacity,

and,

GERALD LAWRENCE,
407 Saint David's Road,
Wayne, PA 19087
in his official and individual capacity,

and,

ASHLEY LUNKENHEIMER,
1960 Dog Kennel Road,
Media, PA 19063
in her official and individual capacity,

and,

LAUREEN HAGAN,
4106 Rosemont Avenue,
Drexel Hill, PA 19026
in her official and individual capacity,

and,

JAMES P. ALLEN,
30 E Jefferson Street A302,
Media, PA 19063
in his official and individual capacity,

and,

MARYANNE JACKSON,
1666 E Walnut Lane, Philadelphia, PA
19138
in her official and individual capacity,

and,

JAMES SAVAGE,
1644 Cherry Street, Upper Chichester, PA
19061
in his official and individual capacity,

and,

THOMAS GALLAGER,
107 Mulberry Lane,
Media, PA 19063
in his official and individual capacity,

and,

JAMES A. ZIEGELHOFFER,
402 W Third Street,
Media, PA 19063
in his official and individual capacity,

and,

CRYSTAL WINTERBOTTOM,
344 Powell Road,
Springfield, PA 19064
in her official and individual capacity,

and,

CHEVON FLORES,
6 Oakley Road,
Upper Darby, PA 19082
in her official and individual capacity,

and,

JEAN FLESCHUTE,
19 Dartmouth Circle, , Swarthmore, PA
19801
in her official and individual capacity,

and,

STACY HEISEY-TERRELL,
373 Saybrook Lane, Wallingford, PA
19086
in her official and individual capacity,

and,

CHRISTINA IACONO,
31 Oakland Road,
West Chester, PA 19382
in her official and individual capacity,

and,

CHRISTINA PERRONE,
234 Walnut Avenue,
Wayne, PA 19087
in her official and individual capacity,

and,

KAREN REEVES,
36 Forest Road,
Springfield, PA 19064
in her official and individual capacity,

and,

DONNA RODE,
32 E. Springfield Road, Apt 2, Springfield,
PA 19064
in her official and individual capacity,

and,

NORMA LOCKE,
46 Hearthside Road,
Aston, PA 19014
in her official and individual capacity,

and,

JEAN DAVIDSON,
37 Aston Ct,
Aston, PA 19014
in her official and individual capacity,

and,

S. J. DENNIS,
218 Arbor Circle,
Chester, PA 19013
in her official and individual capacity,

and,

MARILYN HEIDER,
200 E. Thomson Avenue, Springfield, PA
19604
in her official and individual capacity,

and,

LOUIS GOVINDEN,
318 Barker Avenue,
Lansdowne, PA 19050
in his official and individual capacity

and,

DOUG DEGENHARDT,
237 Marple Road,
Haverford, PA 19041
in his official and individual capacity,

and,

MARY JO HEADLEY,
4023 E. Chester Drive,
Aston, PA 19014
in her official and individual capacity,

and,

JENNIFER BOOKER,
6607 Church Lane,
Upper Darby, PA 19082
in her official and individual capacity,

and,

KENNETH HAUGHTON,
221 Hickory Lane,
Newtown Square, PA 19073
in his official and individual capacity,

and,

REGINA SCHEERER,
34 Old State Road,
Springfield, PA 19064
in her official and individual capacity,

and,

CATHY CRADDOCK,
1032 Bryan Street,
Drexel Hill, PA 19026
in her official and individual capacity,

and,

MAUREEN T. MOORE,
23 W. Ridley Avenue,
Ridley Park, PA 19708
in her official and individual capacity,

and,

PASQUALE CIPOLLONI
269 Hemlock Lane,
Springfield, PA 19064
in his official and individual capacity,

and,

GRETCHEN BELL,
310 Meadowglen Lane,
Media, PA 19063
in her official and individual capacity,

and,

ANNE COOGAN,
133 Hunt Club Lane,

Newtown Square, PA 19073
in her official and individual capacity,

and,

HOWARD LAZARUS,
641 West End Walk,
Media, PA 19063
in his official and individual capacity,

and,

CHRISTINE REUTHER,
16 E Possum Hollow Road #R, Wallingford,
PA 19086
in her official and individual capacity,

and,

WILLIAM MARTIN,
5925 Greene Street, Apt 15, Philadelphia,
PA 19144
in his official and individual capacity,

and,

JAMES MANLY PARKS,
5925 Greene Street, Apt 15, Philadelphia,
PA
in his official and individual capacity, ET
AL.

Defendants.

**PLAINTIFFS' SUR-REPLY TO DELAWARE COUNTY DEFENDANTS'
REPLY IN FURTHER SUPPORT OF THEIR MOTION FOR SANCTIONS**

NOW COMES Plaintiffs, RUTH MOTON, LEAH HOOPES, AND GREGORY
STENSTROM, for their Sur- Reply to the Delaware County Defendants' Reply in Further
Support of their Motion for Sanctions, state as follows:

INTRODUCTION

Of all the law firms in the State of Pennsylvania and in the country that could represent the Delaware County Defendants, the same firm, Ballard Spahr, served as local counsel to the Biden Campaign in Pennsylvania during the 2020 election cycle litigation, also represented Joe Biden's campaign in the state of Arizona during the 2020 election cycle litigation, and is also representing the Arizona Sun, the latter of which has sued Doug Logan and his company CyberNinjas seeking sanctions related to his work conducting an election audit in Arizona.

Now Defendants, through counsel, Ballard Spahr, seek to utilize a sham "investigation" by District Attorney Jack Stollsteimer as support in furtherance of their baseless Motion for Sanctions. Yet, despite the District Attorney's biased findings, Plaintiffs presented overwhelming video and documentary evidence demonstrating that there are factual questions to resolve concerning Plaintiffs' legal claims and Plaintiffs evidence directly supports their legal claims. Moreover, Plaintiffs dispute numerous false statements including but not limited to characterizing Plaintiffs as "serial Plaintiffs" and that their filings are "devoid of substance."

In reference to the specific paragraphs in Defendants' Motion, Plaintiffs state as follows:

1. Defendants Reply in Further Support of their Motion for Sanctions has attached Defendants' EXHIBIT A, which is a May 4, 2022, letter to Defendant Gerald Lawrence signed by District Attorney Jack Stollsteimer. Defendants rely upon the contents of Jack Stollsteimer's letter in support of their Motion for Sanctions. Defendants admit that the District Attorney closed his "investigation" and failed to bring charges related to what

Plaintiffs have shown to this Court to be genuine factual allegations supported by evidence. However, the District Attorney's investigation is not relevant to this civil suit.

2. Defendants' Exhibit A contains countless false statements from District Attorney Jack Stollsteimer that are misleading and designed to deceive this Honorable Court. Additionally, District Attorney Jack Stollsteimer failed to make essential disclosures in his May 4, 2022 letter that bear upon an evaluation of the totality of his statements in the May 4, 2022 letter, but especially the false statements.

a. District Attorney Jack Stollsteimer states in his May 4, 2022, letter that he conducted an investigation following a November 2021 Newsmax story as it *relates to the 2020 General Election*. This is false. Undersigned counsel, as well as counsel for the whistleblower, Regina Miller, spoke with Detective Lythgoe on April 21, 2022 and were informed by Detective Lythgoe that District Attorney Jack Stollsteimer was investigating events related to *fulfilling a 2021 Right to Know Request*. It was specifically stated by Detective Lythgoe, a detective with District Attorney Jack Stollsteimer's office, that the District Attorney was NOT conducting an investigation related to the November 3, 2020, election. This was further memorialized in an email. [Attached hereto as Plaintiffs' Exhibit A].

b. District Attorney Jack Stollsteimer goes on to state in his May 4, 2022 letter that the "Special Investigation Unit" of his office conducted a criminal investigation as it relates to the Newsmax story, yet failed to disclose that Demar Moon is employed by the District Attorney Jack Stollsteimer and assigned to the Special Investigation Unit. District

Attorney Jack Stollsteimer further failed to disclose that Demar Moon was hired at the District Attorney's Office as a favor to Defendant James Savage. District Attorney Jack Stollsteimer further failed to disclose that Demar Moon was employed at the Voting Machine Warehouse under the supervision of James Savage for the November 3, 2020, election. Defendant James Savage (Voting Machine Warehouse Supervisor) specifically stated "I was Jack's (Stollsteimer's) progressive shield" and Savage admits to acting as his "buffer." [Attached hereto as Plaintiffs' Exhibit B1, and Exhibit B2]. Undersigned counsel is sure that the Court would evaluate the District Attorney's "investigation" with scrutiny and skepticism when presented with the fact that a person who worked at the Voting Machine Warehouse under the supervisor, Defendant James Savage, was hired and placed with the District Attorney Office following the November 3, 2020 election.

- c. District Attorney Jack Stollsteimer failed to disclose in his May 4, 2022, letter that he has a conflict of interest and should have recused himself as it relates to any investigations pertaining to Defendant James Savage. Defendant James Savage was the Delaware County Voting Machine Warehouse Supervisor for the November 3, 2020, election, and brags about working as District Attorney Jack Stollsteimer's "political buffer" and that District Attorney Jack Stollsteimer "owed him (Defendant James Savage) favors." [Attached hereto as Plaintiffs Exhibit B1 and Exhibit B2].

- d. District Attorney Jack Stollsteimer failed to disclose in his May 4, 2022

letter that he allowed James Savage to plant one of his own subordinates directly in Jack Stollsteimer's Office after the November 3, 2020 election which would allow James Savage to have access to information at the District Attorney's Office. District Attorney Jack Stollsteimer hired Demar Moon as a favor to Defendant James Savage. Additionally, he failed to disclose that Demar Moon now working at the District Attorney's Office previously worked for James Savage at the Voting Machine Warehouse. Demar Moon maintained a close relationship with Defendant James Savage after moving to the District Attorneys Office following the November 3, 2020 election. Demar Moon specifically stated after his move that "Jim Savage missed me, and pretty much threatened me to come back (to the VMW) Jim Savage threatened me and Jim Savage said I don't give a fuck who you work for (DA Jack Stollsteimer) you are coming back here." [Attached hereto as Plaintiffs' Exhibit C1 and Exhibit C2].

- e. District Attorney Jack Stollsteimer's May 4, 2022, letter failed to disclose that Tanner Rouse is the First Deputy District Attorney working under District Attorney Jack Stollsteimer. Tanner Rouse was the lead of the Election Investigation Task Force for the November 3, 2020, election and was assigned to this task force in *October 2020*. This task force collaborated and worked with Delaware County Executive Director Howard Lazarus, a named Defendant in the instant lawsuit. Again, undersigned counsel is sure that the Court would evaluate the District Attorney's "investigation" with scrutiny and skepticism when presented

with the fact that a person who holds the position as the Delaware County Executive Director collaborated and worked with the District Attorneys First Deputy prior to the November 3, 2020 election, during the November 3, 2020 election, and after the November 3, 2020 election. [Attached hereto as Plaintiffs' Exhibit D]. Moreover, Plaintiffs have introduced evidence in their Complaint regarding suspicious statements made by Defendant Howard Lazarus following the November 3, 2020, election and an IT hack that occurred during the reconciliation of the November 3, 2020 election and Defendant Lazarus how one person responsible for downloading the election results in Delaware County. [Attached hereto as Plaintiffs' Exhibit E].

- f. District Attorney Jack Stollsteimer's May 4, 2022, letter is addressed to Defendant Gerald Lawrence. District Attorney Stollsteimer failed to disclose in his letter that Defendant Gerald Lawrence donated \$2,500.00 to District Attorney Stollsteimer on October 26, 2019. District Attorney Jack Stollsteimer further failed to disclose that Defendant Gerald Lawrence donated \$25,000 to Josh Shapiro, Attorney General, on December 30, 2021. Attorney General Shapiro is currently representing co-defendant, former Secretary of State, Kathy Boockvar. [Attached hereto as Plaintiffs' Exhibit F].
- g. District Attorney Jack Stollsteimer failed to disclose that he was asked in writing by undersigned counsel how he intended to address his conflicts of interest, and that he refused to answer the question regarding his conflicts. To date, District Attorney Jack Stollsteimer has failed to

recuse himself as it relates to investigations involving named Defendants in the instant lawsuit. [Attached hereto as Plaintiffs' Exhibit G].

- h. District Attorney Jack Stollsteimer states in his May 4, 2022, letter that the whistleblower was "uncooperative and unwilling to meet with detectives" from Stollsteimer's office. This is an egregious false statement that District Attorney Jack Stollsteimer makes in his letter and it repeated verbally to the people of Delaware County at County Council meetings. Counsel for whistleblower Regina Miller took the standard steps when contacting the District Attorney's Office on behalf of Regina Miller in order to appropriately advise her. Undersigned counsel requested to know the scope of the investigation, who was the target of the investigation, and since *Ms. Miller has done absolutely nothing wrong* - asked whether the district attorney give her a standard immunity agreement to reassure her that her meeting with his office would not ultimately be something used against her. District Attorney Jack Stollsteimer, by and through his subordinates and detectives, identified the scope of investigation limiting it to the year of 2021 (contrary to the May 4, 2022, letter) yet refused to identify who were the targets of the investigation, nor would they offer a standard immunity agreement to Regina Miller. This correspondence between District Attorney Jack Stollsteimer's Office and Ms. Miller's counsel made it clear from the start that it was Jack Stollsteimer's intent to conduct a sham "investigation" with no regard for an eyewitness who documented massive election fraud and election manipulation in Delaware County

during the November 2020 election. [Attached hereto as Plaintiffs' Exhibit H].

- i. District Attorney Jack Stollsteimer falsely states in his May 4, 2022, letter that the videos (without specifying exactly which videos) have been taken out of context or have been altered. Neither of Stollsteimer's statements are true. Plaintiffs intend to introduce their evidence at trial before this Honorable County. Plaintiffs also intend to introduce an expert witness that will testify that he has evaluated the videos, that the videos have not been altered, and the statements in the videos are properly stated and pled by Plaintiffs.
- j. Moreover, District Attorney Jack Stollsteimer announced that there will be no criminal charges as it relates to unspecified evidence that he reviewed relating to James Savage and James Allen and Stollsteimer announced in the May 4, 2022, letter that the "investigation" is now closed. A Right to Know Request was then submitted to the District Attorney's Office to obtain a copy of the Stollsteimer's "investigations" and the Right to Know Requests was denied by the District Attorney to avoid transparency as it relates to his "investigation." The denial of the Right to Know Request prevents Plaintiffs from evaluating the "investigation" conducted by Stollsteimer and prevents Plaintiffs from obtaining evidence as it relates to the Defendants interviewed in this lawsuit. Defendants want to use the District Attorneys letter regarding the sham "investigation" yet fail to provide the substantive evidence for Plaintiffs and this Honorable Court to review. [Attached hereto as

Plaintiffs' Exhibit I].

- k. Plaintiffs' Complaint contains factual allegations and evidence supporting those allegations that District Attorney Stollsteimer's "investigation" failed to address in light of the claims in Plaintiffs' Complaint, and which allegations are broader and cover evidence of major fraud in the conducting of the November 2020 election, and beyond. District Attorney Stollsteimer's "investigation" does not even purport to address the allegations in Plaintiffs' lawsuit.
- l. District Attorney Stollsteimer commends James Savage in his May 4, 2022 letter referring this his "investigation. This is shocking given the overwhelming evidence involving James Savage who was planted as the Voting Machine Warehouse Supervisor for the November 3, 2020 election. Defendant Savage previously worked for the United Steelworkers Union, and has since returned to the United Steelworker Union in Washington D.C. to work on legislation. Defendant Savage was witnessed changing election results, altering and manipulating election data, and conspiring how to coverup his illegal acts. Moreover, Defendant Savage (consistent was the "Big Lie" narrative) filed a defamation lawsuit against Plaintiff Leah Hoopes and Plaintiff Gregory Stenstrom in Philadelphia, case no. 211002495. Defendant Savage orchestrates elaborate lies in his defamation lawsuit against Hoopes and Stenstrom and states that he had heart attacks as a result of their witness statements describing his role in the November 3, 2020 election. Plaintiffs have evidence that Defendant Savages claims are false.

Specifically Savage states that he had heart attacks as a result of major blockage in his arteries-not as a result of Plaintiff Hoopes and Stenstrom's evidence against him describing his election law violations and fraud. [Attached hereto as Plaintiffs' Exhibit J].

- m. District Attorney Stollsteimer failed to mention in his May 4, 2022, letter that numerous Defendants, including but not limited to James Ziggeloffer and Thomas Gallagher, listed in this instant lawsuit believe that charges should have been brought by Stollsteimer as it relates to the November 3, 2020, election. [Attached hereto as Plaintiffs' Exhibit K].
- n. District Attorney Stollsteimer failed to mention in his May 4, 2022, letter that election law violations required referral by the Return Board to the District Attorney's Office following the November 3, 2020, election and that he failed to prosecute despite having a "task force" set up to do so. [Attached hereto as Plaintiffs' Exhibit L]. Plaintiffs' review of the election data revealed that over 30 precincts were missing Return Sheets and/or election machine tapes. It appears that District Attorney Stollsteimer is now motivated to coverup his lack of investigation and prosecution that was requested of his office in November of 2020.
- o. Despite the false statements from District Attorney Jack Stollsteimer there is an abundance of evidence as it relates to Defendant Thomas Gallagher. Thomas Gallagher is an attorney and is caught on video destroying, and admitting to destroying election data that is required to be preserved for 22 months pursuant to USC § 20701 and USC § 20702.

p. Despite the false statements from District Attorney Jack Stollsteimer, there is an abundance of evidence as it relates to all 40 defendants and even several named Defendants agree certain defendants should have been prosecuted which is well articulated in Plaintiffs' Complaint and Exhibits filed in the instant matter.

3. Additionally, Defendants fail to address that even if District Attorney Jack Stollsteimer did a thorough and legitimate investigation, which he did not, that his burden of proof is beyond a reasonable doubt which is much higher than what Plaintiffs are required to prove to meet their burden before this Honorable Court in a civil lawsuit.

4. Plaintiffs deny that sanctions are appropriate and leave Defendants to their proofs. Stating further, Plaintiffs deny that their lawsuit is frivolous. Delaware County was the last County certified in the 2020 election. As demonstrated in the Complaint and the Exhibits attached thereto, Plaintiffs have provided a sampling of the evidence showing that the Delaware County Defendants participated in a conspiracy related to the November 3, 2020 election, and continued that conspiracy which was revealed by information responsive to the May 21, 2021, Right to Know request, showing that Defendants knowingly and fraudulently altered, destroyed, concealed and/or manipulated election machines, data, equipment, and election results. Defendants fraudulently manipulated the election and fraudulently manipulated the response to the Right to Know request in an effort to conceal and hide the fraud that occurred during the November 3, 2020 election.

5. Plaintiff Ruth Moton has not filed any lawsuit against these Defendants prior to the instant one. Plaintiffs admit only that the two lawsuits referred to in this paragraph were docketed.

6. Plaintiffs admit only that they filed a pro se Complaint on November 19, 2021, and had significant difficulty uploading exhibits. Subsequent to that filing, undersigned counsel filed an appearance, withdrew that Complaint, and subsequently refiled a complaint on December 27, 2021.

7. Plaintiff again deny that their lawsuit is moot. Where the basis for dismissal is mootness, such a decision has no bearing on the merits of future litigation, and in fact, the Supreme Court consistently admonishes lower courts that judgments that are unreviewable due to mootness are vacated and have *no legal consequences*, i.e., precedential effect upon future litigation, and therefore, the Court has explicitly reminded lower courts that such orders clear the path for possible future litigation of legal issues between the parties. See, e.g., *United States v Munsingwear, Inc.*, 340 U.S. 36, 39-40 (1950). As demonstrated in the Complaint and the Exhibits attached thereto, Plaintiffs have provided a sampling of the evidence showing that the Delaware County Defendants participated in a conspiracy related to the November 3, 2020 election, and continued that conspiracy which was revealed by information responsive to the May 21, 2021, Right to Know request, showing that Defendants knowingly and fraudulently altered, destroyed, concealed and/or manipulated election machines, data, equipment, and election results. Defendants fraudulently manipulated the election and fraudulently manipulated the response to the Right to Know request in an effort to conceal and hide the fraud that occurred during the November 3, 2020 election. In other words, while the factual allegations in Plaintiffs' Complaint supported by documents and evidence arise from the conducting and operation of the 2020 election, the claims and causes of action pleaded therein (the legal issues) are in no way foreclosed by an order that has no precedential or binding effect upon future litigation of legal issues by and between these parties.

8. Plaintiffs deny that they have filed an improper pleading and/or that it is part of a pattern of similar conduct. As demonstrated in the Complaint and the Exhibits attached thereto, Plaintiffs have provided a sampling of the evidence showing that the Delaware County Defendants participated in a conspiracy related to the November 3, 2020 election, and continued that conspiracy which was revealed by information responsive to the May 21, 2021, Right to Know request, showing that Defendants knowingly and fraudulently altered, destroyed, concealed and/or manipulated election machines, data, equipment, and election results. Defendants fraudulently manipulated the election and fraudulently manipulated the response to the Right to Know request in an effort to conceal and hide the fraud that occurred during the November 3, 2020 election. Plaintiffs have stated a claim for relief based upon the violations of law alleged in their Complaint and supported by the evidence attached thereto, and such relief includes, but is not limited to holding Defendants accountable as civil servants for their past and current actions and ensuring that future conduct of this nature does not recur. Defendants ignore the fact that substantial evidence of corruption, fraud and conspiracy to commit fraud has been shown, and they have the audacity to assert that the Court has no power to remedy it.

RELIEF REQUESTED

WHEREFORE, in accordance with the aforementioned paragraphs in response to Defendants' Motion for Sanctions, Plaintiffs respectfully request that this Honorable Court deny Defendant's motion and all relief sought therein;

Alternatively, and/or in addition, Plaintiffs respectfully request that the Court hold a hearing and allow oral argument on Defendant's Motion;

Alternatively, and/or in addition, Plaintiffs respectfully request that if the Court concludes that Plaintiffs' Complaint is lacking in some respects, that Plaintiffs be granted leave to amend their complaint.

Plaintiffs deserve to have their case heard by a trier of fact for many reasons including but not limited to transparency, and accountability which will discourage those with significant roles in elections to follow the law resulting in accurate elections that reflect the will of the people.

Respectfully submitted,

/s/ Thomas J Carroll
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Attorney for Plaintiffs
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CARROLL
224 King Street
Pottstown, PA, 19464
(610)419-6981
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Date: June 8, 2022

VERIFICATION

I, Thomas J. Carroll, Esquire, hereby verify that I represent Defendants Ruth Moton, Gregory Stenstrom, and Leah Hoopes in this action and that the statements made in the foregoing pleadings are true correct to the best of my knowledge, information, and belief. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa. C.S.

section 4904 relating to unsworn falsification to authorities.



THOMAS J. CARROLL

Date: June 8, 2022