

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

<p>In re: Nomination Petition of Patrick L. Meehan</p> <p>Mary C. Arata, Louis D. Arata, Alice P. Willets and Kitty L. Hudinka,</p> <p>Objectors.</p>	<p>266 MD 2010</p> <p>RECEIVED AND FILED COMMONWEALTH COURT OF PA (PHILA) 2010 MAR 18 P 2:31</p>
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ORDER

On this ____th day of March, 2010, having reviewed Patrick L. Meehan's motion to dismiss for lack of personal service and Objectors' response, if any, it is hereby ORDERED that the Petition to Set Aside the Nominating Petitions of Patrick L. Meehan is hereby DISMISSED WITH PREJUDICE. Objectors to pay attorneys' fees and costs as further ordered by this Court.

J.

COZEN O'CONNOR

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**In re: Nomination Petition of Patrick L.
Meehan**

Attorney for Patrick L. Meehan

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MOTION TO DISMISS PETITION FOR LACK OF PERSONAL SERVICE

Because Objectors have failed to execute personal service upon the candidate, Patrick L. Meehan, as is required by this Court's case management orders in actions arising under 25 P.S. § 2937, despite candidate's availability in his office within the Seventh Congressional District throughout the time during which service was required, Meehan hereby moves to dismiss the petition so the Courts will not be required to participate in this political sideshow and the choices be left to the voters as is the manifest intention of the Election Code, and in support thereof avers as follows:

1. Under 25 P.S. § 2872.1(12), in the Commonwealth of Pennsylvania a candidate for a political party's nomination to the United States Congress must submit one thousand valid

signatures of registered and enrolled members of his or her party resident within the congressional district.

2. Patrick L. Meehan, a candidate for Congress for Pennsylvania's Seventh Congressional District has submitted well over one thousand valid signatures to obtain the Republican nomination for that seat, having timely filed 3,627 signatures with the Pennsylvania Department of State.

3. Through news reports and inquiries from members of the press, Meehan learned on the afternoon of March 17, 2010 that objections have been filed as to his nominating petitions.

4. As of the time and date of this filing, Meehan has not been personally served with a copy of any petition to set aside his nominating petitions, nor have any members of his household, nor have his campaign or legal offices been served.

5. It is the understanding of Meehan and of counsel that pursuant to the standard case management order issued by the Commonwealth Court as to objections to nominating petitions, all such objections must be personally served upon the candidate to whom the objections are addressed by 5 p.m. on the day following the deadline for filing such objections.

6. Meehan was in his office – within the Seventh Congressional District – for the majority of his business hours on March 17, 2010, other than a twenty-minute absence for lunch nearby, and the office was continuously staffed.

7. Had objectors sought to serve Meehan, he could have been personally served easily. So far as Meehan is aware, no such attempt was made.

8. Objectors' failure to personally serve Meehan while they and their sponsors (the Democratic Bryan Lentz campaign committee) have rushed to the media to discuss their objections demonstrates total disregard for this Court's rules and the requirements for proper

service, while making beyond peradventure the fundamentally political and not legal basis for their lodging these objections.

9. Upon information and belief, the sponsors of this petition further understand that the Lentz campaign is attempting to remove all other Democratic candidates as well from the ballot, leaving the voters with no choice but himself.

10. Further, objectors' failure to personally serve Meehan has irrevocably prejudiced his ability to defend these apparent objections, having only news reports upon which to base any response or preparation of this case, and is only even aware of the full names of the objectors and the caption for this case through the Department of State's website, and of the identity of Objectors' attorney through his statements to the press about this matter.

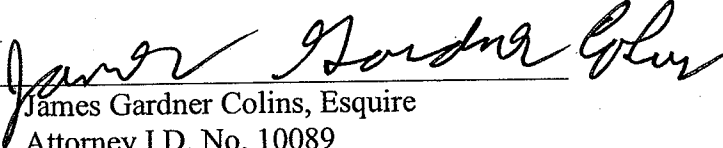
11. Meehan is further unaware of any hearing date, time or location which may have already been established, information being withheld by Objectors.

12. Meehan fervently believes that the legal process should not be manipulated to wage petty political battles, and that choices between candidates should be settled by voters, not courts.

13. For having to file this motion in order to defeat this manifestly political lawsuit, Meehan further seeks such attorneys' fees and costs as this Court allows.

Respectfully submitted,

COZEN O'CONNOR

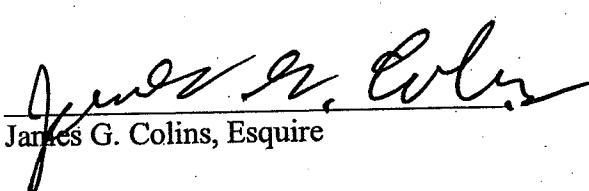
By: 
James Gardner Colins, Esquire
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1900 Market Street
Philadelphia, Pennsylvania 19103
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VERIFICATION

I, James G. Colins, hereby state that the statements made in the foregoing pleading are true and correct to the best of my knowledge, information and belief. I understand that the statements made herein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

Date:

3/18/10


James G. Colins, Esquire

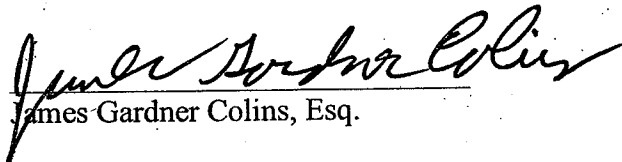
CERTIFICATE OF SERVICE

I, James Gardner Colins, Esq. hereby certify that on March 18, 2010, I have served a copy of this motion upon counsel for objectors, Clifford B. Levine, via facsimile to (412) 394-2555, and via Federal Express to the following address:

Clifford B. Levine
Thorp Reed & Armstrong, LLP
One Oxford Centre
301 Grant Street, 14th Floor
Pittsburgh, PA 15219

I also hereby certify that I on March 18, 2010, I have served a copy of this motion upon the Secretary of the Commonwealth of Pennsylvania.

The Hon. Pedro A. Cortés
Secretary of the Commonwealth of Pennsylvania
North Office Building
Harrisburg, PA 17120


James Gardner Colins, Esq.