

**RESOLUTION R-2021-132  
LUZERNE COUNTY COUNCIL**

***A Resolution of Luzerne County Council Ratifying the Decision to Appeal Judge Robert J. Shenkin's Denial of Luzerne County Council's Petition for Preliminary Injunction Against the Luzerne County Board of Elections Related to the Placement of the District Attorney Seat on the November 2, 2021 General Election Ballot***

WHEREAS, on May 11, 2021, Luzerne County Council adopted Resolution 2021-75 which authorized the formation of an ad hoc committee appointed by the Chairman of Luzerne County Council to select outside counsel to represent Luzerne County Council to present the issue to the courts to allow the court to make an unbiased decision regarding the decision made by the Luzerne County Election Board on April 21, 2021 to hold a special election for the office of District Attorney in November of 2021; and

WHEREAS, Luzerne County Council elected to retain the law firm of Stevens & Lee P.C. related to the aforementioned legal issue; and

WHEREAS, on August 10, 2021, Stevens & Lee P.C., on behalf of Luzerne County Council and District Attorney Samuel Sanguedolce, filed a Motion for Declaratory Judgment and Petition for Preliminary and Permanent Injunctive Relief against the Luzerne County Board of Elections related to the Board of Elections' decision to place the District Attorney seat on the ballot on November 2, 2021; and

WHEREAS, the Luzerne County Court of Common Pleas recused itself from hearing the matter; and

WHEREAS, due to the recusal of the Luzerne County Court of Common Pleas, a visiting senior judge was assigned to hear the matter; and

WHEREAS, on September 23, 2021, Judge Robert J. Shenkin, S.J., denied Luzerne County Council and District Attorney Samuel Sanguedolce's Petition for Preliminary Injunctive Relief; and

WHEREAS, on October 3, 2021, a majority of Luzerne County Council convened an executive session with legal counsel from Stevens & Lee P.C. to discuss Judge Shenkin's ruling and explore legal options in response thereto; and

WHEREAS, at the executive session a majority of Luzerne County Council made the determination that Council would appeal the denial of the Preliminary Injunction along with District Attorney Sanguedolce; and

WHEREAS, an appeal was in fact filed on behalf of Luzerne County Council and District Attorney Sanguedolce on October 4, 2021.

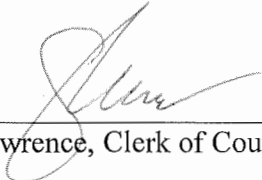
WHEREAS, Luzerne County Council desires to ratify the decision to appeal Judge Shenkin's denial of the Preliminary Injunction at a public meeting.

NOW, THEREFORE, BE IT RESOLVED that Luzerne County Council hereby ratifies the decision to appeal Judge Shenkin's denial of Preliminary Injunctive Relief in its action against the Luzerne County Board of Elections regarding the placement of the District Attorney seat on the November 2, 2021 ballot.

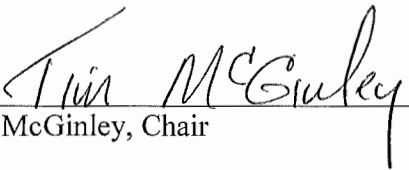
This Resolution shall become effective immediately.

Adopted by County Council, this 12<sup>th</sup> day of October, 2021.

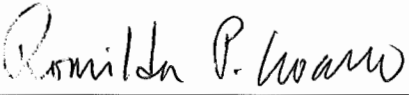
ROLL CALL VOTE (8-2) with (1) Abstention  
YES: Griffith, Haas, McDermott, Perry, Radle, Saidman, Schnee and Vough  
NO: Houck and McGinley  
ABSTAINED: SJ Urban

Attest:   
Sharon Lawrence, Clerk of Council

LUZERNE COUNTY COUNCIL

By:   
Tim McGinley, Chair

LUZERNE COUNTY MANAGER

By:   
Romilda P. Crocamo, Esq.,  
Acting County Manager