

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

Carl Romanelli  
Plaintiff

**v.**

**CIVIL DOCKET NO:**

William DeWeese, individually and as  
Member of the House Democratic Caucus  
and as a coconspirator  
Michael Veon, individually, and as a  
a member of the House Democratic  
Caucus and as a coconspirator  
Brett Cott, individually and as an employee  
Of the 2006 House Democratic Caucus  
and as a coconspirator  
Jeff Forman, individually and as counsel  
For the House Democratic Caucus  
and as a coconspirator  
Michael Manzo, individually and as an  
Employee of St. Rep. Mike Veon, and as a  
coconspirator  
Pennsylvania House Democratic Caucus  
Individually and as a coconspirator  
Pennsylvania Democratic Party, individually:  
And as a coconspirator  
Karen Steiner, individually and as an  
Employee of the House Democratic Caucus  
And as a coconspirator  
Bob Caton, individually and as an  
Employee of the House Democratic Caucus  
And as a coconspirator  
John and Jane Does, 1-100, individually and:  
as employees of the House Democratic  
Caucus and as coconspirators

COMPLAINT

## I. INTRODUCTION

In order to appear on an election ballot, candidates must file nomination documents, which include, inter alia, petitions on which the signatures, printed name, address and date are collected and recorded. In 2006, Carl Romanelli filed a nomination petition for the office of United States Senator on the Green Party line. Romanelli was required to obtain 67,070 signatures. His petitions were filed on August 1, 2006 in the office of the Pennsylvania Secretary of State. Romanelli filed 3704 petition pages that contained 94,544 signatures of Pennsylvania voters.

The nomination petitions can be challenged in court after a prospective candidate has filed them.

Unbeknownst to Plaintiff Carl Romanelli in 2006, the employees and the resources of the House Democratic Caucus historically and routinely were utilized to conduct petition challenges against candidates who were opponents of Caucus incumbents or the Democratic Party. Meetings with employees regarding petition challenges and the participation of Caucus employees were typically conducted by defendants Michael Manzo and Brett Cott at the behest of the leadership of the House Democratic Caucus. In 2006 the leaders of the Caucus were defendants William DeWeese and Michael Veon, elected state representatives from Western Pennsylvania. At the meetings conducted by defendants Manzo and Cott, employees would receive instructions on reviewing petition pages for irregularities that would lead to invalidation of an individual signature or the entire page. The employees who were all paid by the Commonwealth with taxpayer money would conduct reviews during normal working hours at their Caucus workplaces, utilizing their Caucus computers to research

information on individual whose names appeared as signatories on the petitions through the Constituent Tracking Service (CTS), a program which was designed and intended for legitimate legislative use, and which included voter registration information. The Caucus computers were further utilized to compile and transmit the information which would be used to challenge signatures on petition pages. The Caucus employees were not required to, and did not take leave for the time spent during their regular work hours on these endeavors.

The Election Code requires that challenges to the petitions must be filed no later than one week after the petitions were filed. The defendants honed their skills for large petition challenges by taking on Ralph Nader in 2004. Nader was running for President of the United States. John Kerry was the Democratic candidate. Attorney Cliff Levine was the Pennsylvania Legal coordinator for the Kerry campaign. In Pennsylvania, Nader filed 1,183 pages containing 51, 273 signatures. As many as 50 Caucus staff members participated in the Nader challenge effort and contributed a staggering number of man-hours to this project. The Caucus staff members worked on the Nader petitions during normal business hours and after hours and were paid their regular state wage and in addition were awarded tax payer funded bonuses. The fruits of their labors were reflected in a challenge petition which was timely filed. All tolled, more than 34,000 signatures were challenged due to improprieties found during the Caucus review process. Ultimately, the challenge was successful and Nader was removed from the Pennsylvania ballot.

The Caucus effort to prevent Carl Romanelli from appearing on the ballot as a Green Party candidate for the United States Senate was disturbingly similar to the Nader

effort in scope, methodology, and misappropriation of taxpayer funded resources. The clear goal of this effort was to enhance the elect ability of the Democratic nominee, Robert P. Casey, Jr. by eliminating a challenger whose votes would likely come at Casey's expense. As mentioned before, Romanelli's petitions filed on August 1, 2006 consisted of 3,704 pages, almost four times the Nader number from 2004, and 94,544 signatures, almost double the Nader number.

Defendant Brett Cott and others organized and orchestrated the 2006 operation. The petition pages were obtained on the August 1, 2006, the date they were filed. The call for "volunteers" was put out in advance of the anticipated filing. The response, as usual, was impressive. The initial meeting was held in Defendant William DeWeese's Office and as many as thirty (30) staffers attended. Defendant Michael Manzo presided at this meeting. Defendant Cott gave the instructions on how to review the petitions and obtain and compile the information to challenge the signatures. Cott announced that it was very important to "leadership", i.e., Defendants DeWeese and Veon, that Plaintiff Carl Romanelli NOT appear on the November ballot. The staffers were told "not to worry about leave" but to focus on getting the work on the petition pages done as soon as possible.

The petition pages were delivered, as soon as the pages were obtained from the Department of State by the Pennsylvania Democratic Party, to a conference room in Defendant Veon's office. Cott then distributed the pages, collected the pages and the resultant work product from the staffers. During the one week time period, there was a parade of Caucus employees in and out of Veon's office, picking up and delivering petition work. Defendant Jeff Forman assisted in the directing the contribution of Veon's

office staff, which worked day in and day out on the petitions, while being paid by the taxpayers.

Defendant Cott assumed the responsibility for assuring that the Caucus work product was collected, assimilated and transmitted to the challenge attorneys which included Clifford Levine, Shawn Gallagher and David Montgomery at the law office of Thorp, Reed and Armstrong. Levine, Gallagher and Montgomery knew or should have known how this product was created. They attached the gigantic work product illegally created by state employees, using state resources to the petition that they filed with Commonwealth Court seven days later in August, 2006. The Herculean effort of the employees of the House Democratic Caucus created a document which detailed “global challenges to 1,782 petition pages that contained 45,918 signatures and a total of 69, 692 “individual line” signature challenges. Their effort succeeded on September 26, 2006 when Romanelli was ordered off the ballot.

On July 10, 2008, Pennsylvania Attorney General Tom Corbett announced the Statewide Grand Jury Presentment and indictment of the so called “Bonusgate” defendants including some of the defendants herein for a multitude of criminal offenses including theft, conflict of interest and conspiracy for a number of acts including the those specifically related to the petition challenge to Carl Romanelli in 2006.

## **JURISDICTION**

1. This Honorable Court has jurisdiction founded on 42 U. S. C. Section 1983 and federal question, 28 U. S. C. Section 1331a, and the First and Fourteenth Amendments to the United States Constitution.

## **VENUE**

2. All the acts and omissions given rise to the claims stated herein occurred in the Middle District of Pennsylvania. Plaintiff resides within the Middle District of Pennsylvania. Defendants' acts in furtherance of a criminal and civil conspiracy to remove Plaintiff from the 2006 United States Senate ballot all occurred in or around Harrisburg within the Middle District. Venue is proper in the Middle District of Pennsylvania pursuant to 28 U. S. C. Section 1391 (b) (1 & 2) and ( c).

## **PARTIES**

3. Carl Romanelli is a citizen of the United States who resides in Luzerne County within the Middle District.

4. William DeWeese is a state representative with offices inside the state capitol in Harrisburg. In 2006 he was the Majority Leader of the House Democratic Caucus.

5. Michael Veon was a state representative with offices inside the state capitol in Harrisburg. In 2006 he was the party whip of the House Democratic Caucus.

6. Brett Cott was a state employee working for the House Democratic Caucus in 2006. His office was located in the State Capitol in Harrisburg. He was directly employed in the office of Michael Veon.

7. Michael Manzo was a state employee working for the House Democratic Caucus in 2006. His office was located within the state capitol in Harrisburg. Manzo was directly employed by William DeWeese as his Chief of Staff.
8. Jeff Forman was a state employee working for the House Democratic Caucus in 2006. His office was located within the state capitol in Harrisburg. Forman was legal counsel for the House Democratic Caucus.
9. Defendants John and Jane Does 1-100 are all state workers employed by the House Democratic Caucus in 2006. These as yet unidentified individuals performed petition review work on state time, using state resources and generated the documents used to challenge the Romanelli petitions in 2006. They all worked within the state capitol in Harrisburg.
10. The Pennsylvania House Democratic Caucus is an entity made up of the Democratic members of the Pennsylvania House of Representatives located in Harrisburg PA.
11. The Pennsylvania Democratic Party is the statewide arm of the national Democratic Party with offices in Harrisburg, PA.
12. Karen Steiner Balnar is a state employee who worked for the Pennsylvania House Democratic Caucus in 2006 and worked on the Romanelli petition challenge while being paid by the Commonwealth.
13. Bob Caton, is a state employee who worked for the Pennsylvania House Democratic Caucus in 2006 and worked on the Romanelli petition challenge while being paid by the Commonwealth.

## **FACTS**

14. On or about August 1, 2006, Carl Romanelli filed nomination petitions for the federal office of United States Senate as a member of the Green Party with the Pennsylvania Department of State. Romanelli filed 3704 petition pages that contained 94,544 signatures of Pennsylvania voters.

15. On July 28, 2006, the Pennsylvania Democratic Party requested a copy of the Romanelli petitions and paid the Department of State the sum of \$3704 for the copies on August 1, 2006.

16. The Pennsylvania Democratic Party, in furtherance of a civil and criminal conspiracy, picked up copies of the Romanelli petitions from the Department of State and delivered them to the offices of the Pennsylvania Democratic Caucus to begin the preparation of a challenge document to attempt to remove Romanelli from the 2006 November ballot.

17. The law firm of Thorp, Reed and Armstrong was retained to file the challenge with Commonwealth Court. Clifford Levine, Shawn Gallagher and David Montgomery at the law office of Thorp, Reed and Armstrong knew or should have known how the challenge product was created.

18. In furtherance of a civil and criminal conspiracies, Defendants DeWeese, Veon, Pennsylvania House Democratic Caucus, Manzo, Cott, Forman and others organized and orchestrated the operation against Romanelli. At the direction of the defendants, the petition pages were again obtained on the August 1, 2006, the date they were filed. The call for “volunteers” was put out in advance of the anticipated filing. The response, as usual, was impressive. The initial meeting was held in Defendant William DeWeese’s Office and as many as thirty (30) staffers attended. Defendant Michael Manzo presided at

this meeting. Defendant Cott gave the instructions on how to review the petitions and obtain and compile the information to challenge the signatures. Cott announced that it was very important to “leadership”, i.e., Defendants DeWeese and Veon, that Plaintiff Carl Romanelli NOT appear on the November ballot. The staffers were told “not to worry about leave” but to focus on getting the work on the petition pages done as soon as possible.

19. The petition pages were delivered, as soon as the pages were obtained from the Department of State by the Pennsylvania Democratic Party, to a conference room in Defendant Veon’s office. Cott then distributed the pages, collected the pages and the resultant work product from the staffers. During the one week time period, there was a parade of Caucus employees in and out of Veon’s office, picking up and delivering petition work. Defendant Jeff Forman assisted in the directing the contribution of Veon’s office staff, which worked day in and day out on the petitions, while being paid by the taxpayers.

20. Defendant Cott and others assumed the responsibility for assuring that the Caucus work product was collected, assimilated and transmitted to the challenge attorneys Clifford Levine, Shawn Gallagher and David Montgomery at the law office of Thorp, Reed and Armstrong. Levine, Gallagher and Montgomery knew or should have known how this product was created. They attached the work product to the petition challenge that they filed on August 9, 2006. The Herculean effort of the employees of the House Democratic Caucus, Defendants John and Jane Doe 1-100, created a document which detailed “global challenges to 1,782 petition pages that contained 45,918 signatures and a

total of 69, 692 “individual line” signature challenges. Their effort succeeded on September 26, 2006 when Romanelli was ordered off the ballot.

21. Romanelli expended large sums of money to collect, review and file the petitions and was forced to expend additional monies for legal fees and costs to defend his petitions.

22. Romanelli had no information regarding the civil and criminal conspiracies of defendants’ conduct until July 10, 2008 when the Office of Attorney General announced indicted a number of the defendants.

## **COUNT I**

### **VIOLATION OF CIVIL RIGHTS AND CONSTITUTIONAL RIGHTS UNDER THE FIRST AND FOURTEENTH AMENDMENTS**

23. Plaintiff incorporates paragraphs 1 through 22 as if fully set forth herein.

24. Defendants agreed to use the taxpayer funded resources of the House Democratic Caucus and staff members paid by the taxpayers to challenge the Romanelli United States Senate petition to aid in the election of Robert Casey, Jr. as United States Senator.

25. The document unlawfully prepared and funded with tax payer money was Exhibit A to the Challenge Petition prepared and filed by Clifford Levine, Esquire on behalf of the Objectors.

26. Ballot access is recognized as an important aspect of voting rights. **See Bullock v. Carter, 405 U.S. 134, 143, 92 S.Ct. 849, 31 L.Ed.2d 92 (1972)** (“laws that affect candidates always have at least some theoretical, correlative effect on voters”). ‘The right to elect legislators in a free and unimpaired fashion is a bedrock of our political system,’ ” **Lubin v. Panish, 415 U.S. 709, 94 S.Ct. 1315, 39 L.Ed.2d 702 (1974) (quoting Reynolds v. Sims, 377 U.S. 533, 562, 84 S.Ct. 1362, 12 L.Ed.2d 506 (1964)).**

27. Defendants' overt actions in furtherance of civil and criminal conspiracies and the use of tax money to fund the challenge to Romanelli's Senate petitions directly affected Romanelli's access to the ballot to run for federal office in an unimpaired fashion.

28. Defendants tax funded challenge to Romanelli's ballot access violated Romanelli's civil and constitutional rights under the First and Fourteenth Amendments.

WHEREFORE, the Plaintiff requests that this Court:

- a. Award compensatory and punitive damages to Plaintiff against the defendants individually and jointly and severally in excess of \$150,000;
- b. Award compensatory and punitive damages to Plaintiff against the defendants in their official capacities in excess of \$150,000;
- c. Award costs of this action to the Plaintiff;
- d. Award reasonable attorney fees and costs to Plaintiff;
- e. Award such other and further relief as this Court may deem appropriate.

The Plaintiff hereby demands a jury trial.

Respectfully submitted,

/s/ Lawrence M. Otter, Esquire

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