

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY
PENNSYLVANIA
CIVIL DIVISION -- EQUITY

ALIQUIPPA DEMOCRAT COMMITTEE,

NO. *10816* of 2003

Plaintiff,

v.

TYPE OF PLEADING

FRIENDS OF VICKIE FRATANGELI,
VICKIE FRATANGELI and
GEORGE DAVID,

Complaint for Preliminary, Special
and Permanent Injunction

Defendants.

FILED ON BEHALF OF:

Aliquippa Democrat Committee,
Plaintiff

COUNCEL OF RECORD
FOR THIS PARTY:

John F. Salopek, Esquire
Supreme Court No. 26477
908 - 22nd Street
Aliquippa, PA 15001
(724) 375-1100

FILED OR ISSUED

2003 MAY 20 P 1:43

MANOY INTERIM
PROthonARY
BEAVER COUNTY, PA

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY,

P E N S Y L V A N I A

ALIQUIPPA DEMOCRAT :
COMMITTEE, :
 :
Plaintiff :
v. : No. *10816* of 2003
 :
FRIENDS OF VICKIE FRATANGELI, :
VICKIE FRATANGELI and :
GEORGE DAVID :
 :
Defendants. :

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take **IMMEDIATE** action after this complaint and notice are served by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the Plaintiff. You may loss money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE.
IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR
TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU
CAN GET LEGAL HELP.

LAWYERS REFERRAL SERVICE
788 Turnpike Street
Beaver, PA 15009

Telephone No. (412) 728-4888

3. The Defendant, Vickie Fratangeli, an adult individual residing at 31 Linmar Plan, City of Aliquippa, Beaver County, Pennsylvania 15001, is a candidate for the nomination of Mayor of the City of Aliquippa in the 2003 Primary Election being held today, and presumably has authorized the Friends Committee and Defendant George David to act on her behalf.

4. The Defendant, George David, an adult individual residing at 905 23rd Street, City of Aliquippa, Beaver County, Pennsylvania 15001, is presumably the Chairman of the Friends Committee.

5. On March 24, 2003, the Aliquippa Committee conducted its endorsement meeting. For the position of Mayor of the City of Aliquippa, the Aliquippa Committee endorsed Anthony Battaglini. On a secret ballot, Anthony Battaglini, Vickie Fratangeli and Aileen Gilbert received eleven, five and one votes, respectively.

6. As a result of said endorsement the Aliquippa Committee certified the endorsement to the Beaver County Democratic Party Committee which caused, on behalf of the Aliquippa Committee, sample ballots to be prepared and distributed, in the form attached hereto as Exhibit "Aliquippa Committee Sample Ballot", which shows the endorsement of Anthony Battaglini, for the nomination for Mayor.

7. The Friends Committee appears to be a political action committee. The Friends Committee has not filed a Political Committee Registration Statement with the Beaver County Bureau of Elections and consequently there is no listing of the name, address, and telephone number of a Chairman or Treasurer.

8. Pursuant to 25 P.S. §3242(a), "[e]very political committee shall have a treasurer and a chairman." Additionally, the section also provides that "[n]o

contributions shall be received nor shall any expenditure be made when there is a vacancy in either one of these offices. All money received and disbursed by a political committee must be done through the treasurer of the committee."

9. The Friends Committee and Defendants Fratangeli and David violated the aforementioned section by funding and disseminating the sample ballot, attached hereto as Exhibit "Friends Committee Sample Ballot" as a campaign advertisement during a time period when it was not registered and did not have a chairman and treasurer registered. See, 25 P.S. §3244.

10. No specific penalty is listed for violations of the foregoing section of the Election Code. Accordingly the penalty provision of Section 3550 should apply, which provides that "any person who shall violate any of the provisions of this act, for which a penalty is not herein specifically provided, shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000.00) dollars, or to undergo an imprisonment of not more than one (1) year, or both, in the discretion of the court." 25 P.S. Section 3550. This penalty however, is insufficient in the instant case because it will not prevent the illegal dissemination of the sample ballots as campaign advertisements today, the day of the Primary Election. If the Friends Committee and Defendants Fratangeli and David or any person acting on their behalf is permitted to disseminate their sample ballots as campaign advertisements, Plaintiff and its endorsed mayoral candidate, Anthony Battaglini, will suffer immediate and irreparable harm.

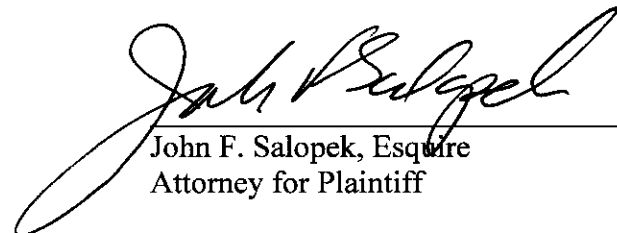
11. The Friends Committee and the Defendants Fratangeli and David and their agents and pollworkers have disseminated and are disseminating their sample

ballots as campaign advertisements which have been intentionally made similar to the official sample ballots of the Aliquippa Committee. All of these actions are intended to deceive the voters of the City of Aliquippa by giving an appearance that the Aliquippa Committee has endorsed Vickie Fratangeli as a candidate for Mayor when it has not so done.

12. Given the nature of the Friends Committee's deceptive sample ballots as campaign advertisements, the Court is empowered to enjoin the Friends Committee, the Defendants Fratangeli and David and their agents and pollworkers from further dissemination of their sample ballots as campaign advertisements in the interest public policy.

WHEREFORE, the Plaintiff prays that the Court to enter an Order, pursuant to Pa.R.C.P. 1531, enjoining and restraining the Friends Committee or any individual acting on behalf of the Friends Committee, including George David, Vickie Fratangeli and their agents and pollworkers, from further disseminating their sample ballots as campaign advertisement and to instruct the Beaver County Sheriff to immediately confiscate any copies of said Friends Committee Sample Ballots at the polling sites located in the City of Aliquippa.

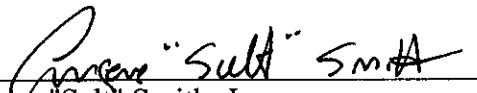
Respectfully Submitted,



John F. Salopek, Esquire
Attorney for Plaintiff

VERIFICATION

I, Eugene "Salt" Smith, Jr., Chairman of the Aliquippa Democrat
Committee, verify that the averments contained in the Complaint are true and correct to
the best of my personal knowledge or information and belief. This statement and
verification is made subject to the penalties of 18 Pa. C.S. Section 4904.



Eugene "Salt" Smith, Jr.

Date: 5/20/03

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY
PENNSYLVANIA

CIVIL DIVISION - - EQUITY

ALIQUIPPA DEMOCRAT
COMMITTEE, :

Plaintiff, :

vs. :

No. *10816* of 2003

FRIENDS OF VICKIE FRATANGELI, :
VICKIE FRATANGELI and :
GEORGE DAVID, :

Defendants :

ORDER OF COURT

CLERK OF COURT
PROthonotary
BEAVER COUNTY, PA

2003 MAY 20 P 2:25

FILED OR ISSUED

AND NOW, this *20th* day of May, 2003, the foregoing Complaint for Preliminary, Special and Permanent Injunction having been presented, it is ORDERED, ADJUDGED and DECREED that the Defendants, Friends of Vickie Fratangeli, George David and Vickie Fratangeli, and their agents and pollworkers, or any individual acting on their behalf, are enjoined from further disseminating the sample ballots as campaign advertisements, which are in the form attached hereto as Exhibit "Friends Committee Sample Ballot" and the Beaver County Sheriff is instructed to immediately confiscate any copies of said Friends Committee Sample Ballots at the polling sites located in the City of Aliquippa.

BY THE COURT
2003 MAY 20 P 2:23
C. GUS KWIDIS
JUDGE

BY THE COURT:



J.

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| THIS IS UNIT 1 |
| BEAVER COUNTY, COMMONWEALTH OF PENNSYLVANIA PRIMARY ELECTION MAY 20, 2003 |
| PRESS HERE TO BEGIN VOTING |

**BEAVER COUNTY
DEMOCRATIC
PARTY SAMPLE**

**Vote Endorsed
Candidates!**

WITH THE NEW SYSTEM OF ELECTRONIC VOTING IN BEAVER COUNTY, PICTURED TO THE RIGHT AND ON THE BACK, ARE HOW YOUR BALLOT PAGES WILL LOOK.

There will be separate pages or "screens" that will appear with the party and candidates' names.

To begin voting, press "PRESS HERE TO BEGIN VOTING" and the 1st page (screen) will appear.

To vote a Straight Party Ballot, simply press your finger on the screen next to the party name and continue through the remaining screens by pressing NEXT SCREEN on all the pages until you come to the last page (screen) and then press END ALL VOTING. You are done!

To vote for an individual candidate, press onto the screen next to the candidate's name, then press NEXT PAGE. Do this with each page until you come to the last page (screen) and then press END ALL VOTING. You are now done.

REMEMBER: Press END ALL VOTING when you are done voting!

PAID FOR BY
BEAVER COUNTY
DEMOCRATIC PARTY COMMITTEE



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| JOHN W. HERRON PHILADELPHIA COUNTY | |
| CHERYL ALLEN ALLEGHENY COUNTY | |
| JAMES MURRAY LYNN PHILADELPHIA COUNTY | |
| WRITE-IN CANDIDATE | |

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| SEAMUS McCaffery PHILADELPHIA COUNTY | WRITE-IN CANDIDATE |
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| CHRISTINE BROCK LUIKART ECONOMY BOROUGH | |
| WRITE-IN CANDIDATE | |
| WRITE-IN CANDIDATE | |

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| COUNTY COMMISSIONER 4 YEARS VOTE FOR NOT MORE THAN TWO | |
| DONNA JEAN NEWMAN BRIDGES NEW BRIGHTON BOROUGH | DAN DONATELLA INDUSTRY BOROUGH |
| GARY A. LUIKART ECONOMY BOROUGH | JOE SPANIK CENTER TOWNSHIP |
| JAY PAISLEY BIG BEAVER BOROUGH | WRITE-IN CANDIDATE |
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| WRITE-IN CANDIDATE | WRITE-IN CANDIDATE |
| CLERK OF COURTS 4 YEARS VOTE FOR ONE | PROTHONOTARY 4 YEARS VOTE FOR ONE |
| JUDY R. ENSLEN SOUTH BEAVER TOWNSHIP | NANCY COZZUCOLI WERNE BEAVER BOROUGH |
| WRITE-IN CANDIDATE | WRITE-IN CANDIDATE |





EXHIBIT "ACQUIPPA COMMITTEE SAMPLE BALLOT"

VOTE



ENDORSED






CANDIDATES




ALIQUIPPA SAMPLE BALLOT



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| RECORDER OF DEEDS 4 YEARS VOTE FOR ONE JANICE JESCHKE BEALL  <small>CENTER TOWNSHIP</small> WRITE-IN CANDIDATE | SHERIFF 4 YEARS VOTE FOR ONE FELIX DeLUCA  <small>ROCHESTER TOWNSHIP</small> EDWARD MUSSER <small>PULASKI TOWNSHIP</small> TOM TUKA <small>BIG BEAVER BOROUGH</small> WRITE-IN CANDIDATE |
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| ALIQUIPPA SCHOOL DISTRICT DIRECTOR AT LARGE 4 YEARS VOTE FOR NOT MORE THAN FIVE | |
| MARIA PELUSO  | WRITE-IN CANDIDATE |
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VOTE ENDORSED CANDIDATES

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**BEAVER COUNTY
DEMOCRATIC
SAMPLE BALLOT**

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Paid for by
Friends of Vickie Fratangeli
George David, Mabel Jarret, Brenda Carr,
Ms. Cooney, Mr. & Mrs. Martin Turkovich
and Mr. & Mrs. Tony Amadio

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ALIQUIPPA SAMPLE BALLOT

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| ALIQUIPPA |
| PRESS HERE TO BEGIN VOTING |

**BEAVER COUNTY
DEMOCRATIC
SAMPLE BALLOT**

**Vote Endorsed
Candidates!**

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Paid for by
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EXHIBIT "FRIENDS COMMITTEE SAMPLE BALLOT"

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THORNTON
R COUNTY, PA

ALIQUIPPA SAMPLE BALLOT

| | |
|---|--|
| PREVIOUS PAGE | NEXT PAGE THIS IS PAGE 6 OF 10 |
| RECORDER OF DEEDS 4 YEARS VOTE FOR ONE JANICE JESCHKE BEALL <small>CENTER TOWNSHIP</small> WRITE-IN CANDIDATE | SHERIFF 4 YEARS VOTE FOR ONE FELIX DeLUCA <small>ROCHESTER TOWNSHIP</small> EDWARD MUSSER <small>PULASKI TOWNSHIP</small> TOM TUKA <small>BIG BEAVER BOROUGH</small> WRITE-IN CANDIDATE |
| REGISTER OF WILLS 4 YEARS VOTE FOR ONE CAROL RUCKERT FIORUCCI <small>VANPORT TOWNSHIP</small> WRITE-IN CANDIDATE | COUNTY TREASURER 4 YEARS VOTE FOR ONE CONNIE TUCCINARD JAVENS <small>MONACA BOROUGH</small> WRITE-IN CANDIDATE |



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|---|-----------------------------------|
| PREVIOUS PAGE | NEXT PAGE THIS IS PAGE 7 OF 10 |
| CORONER 4 YEARS VOTE FOR ONE WAYNE N. TATALOVICH <small>CENTER TOWNSHIP</small> WRITE-IN CANDIDATE | |
| DISTRICT JUSTICE 6 YEARS 36-1-03 AT LARGE VOTE FOR ONE JAMES F. DIBENEDETTO THOMAS F. TODD III WRITE-IN CANDIDATE | |

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|---|-----------------------------------|
| PREVIOUS PAGE | NEXT PAGE THIS IS PAGE 8 OF 10 |
| ALIQUIPPA SCHOOL DISTRICT DIRECTOR AT LARGE 4 YEARS VOTE FOR NOT MORE THAN FIVE | |
| MARIA PELUSO | WRITE-IN CANDIDATE |
| ANDRE DAVIS | WRITE-IN CANDIDATE |
| MARQUES S. HENDERSON | WRITE-IN CANDIDATE |
| BOB WADDING | WRITE-IN CANDIDATE |
| EDWARD A. PALOMBO | WRITE-IN CANDIDATE |

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|--|---|
| PREVIOUS PAGE | NEXT PAGE THIS IS PAGE 9 OF 10 |
| MAYOR AT LARGE - 4 YEARS VOTE FOR ONE AILEEN GILBERT ANTHONY BATTAGLINI VICKIE FRATANGELI WRITE-IN CANDIDATE | CONTROLLER AT LARGE - 4 YEARS VOTE FOR ONE JOHN J. EVASOVICH WRITE-IN CANDIDATE |
| TREASURER AT LARGE - 4 YEARS VOTE FOR ONE WILLIAM C. O'NEAL WRITE-IN CANDIDATE | |

| | | |
|--|--|------------------------------------|
| PREVIOUS PAGE | END ALL VOTING PRESS HERE WHEN YOU HAVE FINISHED VOTING | NEXT PAGE THIS IS PAGE 10 OF 10 |
| MEMBER OF COUNCIL AT LARGE - 4 YEARS VOTE FOR NOT MORE THAN TWO | | |
| LISA WALKER | | |
| ANN PATRICE McKENNA SHOPE | | |
| MARTIN J. DIGIOVINE | | |
| WRITE-IN CANDIDATE | | |
| WRITE-IN CANDIDATE | | |

RECEIPT FOR PAYMENT
=====

Beaver County Prothonotary
NANCY WERME
Beaver, PA 15009

Receipt Date 5/20/2003
Receipt Time 13:45:37
Receipt No. 227392

ALIQUIPPA DEMOCRAT COMMITTEE (VS) FRIENDS OF VICKIE FRATANGELI

Case Number 2003-10816
Received of JOHN F SALOPEK
BARB

Total Check/Other.. + 125.50
Total Cash..... + .00
Change..... - .00
Receipt total..... = 125.50

Check No. 7813

----- Distribution Of Payment -----

| Transaction Description | Payment Amount | |
|-------------------------|----------------|--------------------------------|
| COMPLAINT FILED | 90.00 | TREASURER OF BEAVER COUNTY |
| TAX ON CMPLT | .50 | BUREAU OF RECEIPTS & CNTR.M.D. |
| JCP SURCHARGE | 10.00 | BUREAU OF RECEIPTS & CNTR.M.D. |
| ACT 164 | 5.00 | ACT 164 |
| CERTIFIED COPY | 5.00 | TREASURER OF BEAVER COUNTY |
| CERTIFIED COPY | 5.00 | TREASURER OF BEAVER COUNTY |
| CERTIFIED COPY | 5.00 | TREASURER OF BEAVER COUNTY |
| CERTIFIED COPY | 5.00 | TREASURER OF BEAVER COUNTY |

125.50

Case Balance Due: .00

BEAVER COUNTY PROTHONOTARY
NANCY WERME
BEAVER COUNTY, PA

2003 MAY 20 P 1:49

FILED OR ISSUED

