

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA
CIVIL ACTION-QUO WARRANTO

Rick Loper
Anthony Orr
Carla Evette Freeland
Margaret Eckles-Ray
Kim Murray
Antonietta Smith,
Plaintiffs,

v.

Michale R. Helfrich,
Defendant.

NO. 2017-SU-003535

CIVIL ACTION
QUO WARRANTO

OFFICE OF PROTHONOTARY
2018 JAN -2 AM 11:38
JUDICIAL CENTER
YORK, PA

ANSWER TO

PETITION FOR PRELIMINARY INJUNCTION AND PERMANENT INJUNCTION

AND NOW, On this 2nd day of January, 2018, by and through his attorney, Charles J, Hobbs Esquire, comes the Defendant, Mayor Michel Helfrich, and submits this Answer to Petition for Preliminary Injunction and Permanent Injunction, and avers as follows:

1. On or about December 28, 2017, Plaintiffs captioned above, filed a Petition for Preliminary Injunction and Permanent Injunction asking the Court to prevent Mr. Helfrich from taking his duly elected position of Mayor.

2. Plaintiffs allege:

- a. Unless Mayor Elect Helfrich is barred from taking office, there will be immediate and irreparable harm which cannot be compensated in damages;
- b. No adequate remedy at law exists;
- c. A greater injury would result from denying the injunction then granting the injunction;
- d. An injunction would restore the status quo.

3. The Plaintiffs have failed to plead any facts to support the allegations in their petition.

4. The Plaintiffs lack Capacity to sue under Quo Warranto because the York County District Attorney has not refused to initiate the Quo Warranto, therefore Plaintiffs lack standing to seek injunctive relief.

5. There is no indication what harm is immediate and what harm will befall the citizens of York City. The Citizens of York City were well aware of Mr. Helfrich's prior convictions, as there were publicized several years ago during a Quo Warranto litigation attempting to prevent him from taking office as York City Council Member.

6. No damages would be warranted in this case that would assume the form of compensation.

7. There is an adequate remedy at law in the form of Quo Warranto, which is an action the Plaintiffs have filed.

8. There is nothing in the pleadings to suggest that a greater injury would occur if Mr. Helfrich took office. In fact, a greater injury would occur if Mr. Helfrich was prevented


from taking office. Mr. Helfrich's transition team has prepared the city for his taking office. If her were prevented from taking office, the City would be without a Mayor until the City Council could vote and appoint a new Mayor, There is no guarantee that the City Council would move in an expeditious manner or have a consensus for a replacement. Finally, the citizens of York City would have an interim Mayor not duly elected by the people. The harm would be significantly greater if Mr. Helfrich was prevented from taking office.

9. The permanent injunctive relief is the relief that is sought by way of the Quo Warranto Complaint.

10. Of significant note, is that the same injunctive relief was sought in Mr. Helfrich's previous Quo Warranto case, wherein he was determined to be eligible for office. The Petition for Injunctive Relief was denied by the then President Judge, Honorable Judge Stephen Linebaugh, Docketed at No. 2011-SU-5007-47. Judge Linebaugh's reasoning provides significant guidance in that the allegations are almost identical.

WHEREFORE, Defendant respectfully requests this Honorable Court deny the Petition for Preliminary Injunction and Permanent Injunction.

Respectfully Submitted,



Charles J. Hobbs, Esquire
Attorney for Defendant
PA 209321
The Hobbs Law Firm
256 East Market Street
York, Pennsylvania 17403
(717) 793-2398

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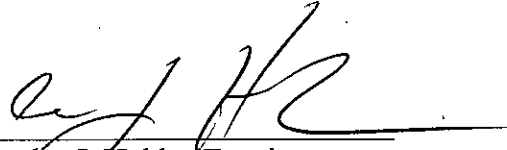
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CERTIFICATE OF SERVICE

I, Charles J. Hobbs, Esquire, hereby certify that on this 2nd day of January, 2018, I did serve a true and correct copy of the foregoing "Answer to Petition for Preliminary Injunction and Permanent Injunction" upon the following person(s) at the following address(es) indicated below by first class mail, postage prepaid:

Karen Comery, Esquire
2002 South Queen Street
York, PA 17403


Charles J. Hobbs, Esquire
Attorney for Defendant
PA 209321
The Hobbs Law Firm
256 East Market Street
York, Pennsylvania 17403
(717) 793-2398