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Counsel for Petitioners

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

CAROL ANN CARTER; MONICA PARRILLA;
REBECCA POYOUROW; WILLIAM TUNG; ROSEANNE
MILAZZO; BURT SIEGEL; SUSAN CASSANELLI; LEE
CASSANELLI; LYNN WACHMAN; MICHAEL
GUTTMAN; MAYA FONKEU; BRADY HILL; MARY
ELLEN BALCHUNIS; TOM DEWALL; STEPHANIE
MCNULTY; and JANET FEMIN,

Petitioners,

v.

VERONICA DEGRAFFENREID, in her official capacity as
the Acting Secretary of the Commonwealth of Pennsylvania;
JESSICA MATHIS, in her official capacity as Director for
the Pennsylvania Bureau of Election Services and Notaries,

Respondents.

No. 132 MD 2021

**PETITIONERS' ANSWER TO THE APPLICATION TO INTERVENE BY
REPUBLICAN LEGISLATORS**

By and through undersigned counsel, Petitioners file this Answer in

Opposition to the Application for Leave to Intervene (“Application”) and Memorandum of Law in support thereof, filed by Speaker Cutler, Leader Benninghoff, President Corman, and Leader Ward (the “Proposed Intervenors”). For the Court’s benefit, Petitioners have filed a separate memorandum in opposition to the Application in narrative format. Petitioners nonetheless respond here to the numbered paragraphs of the original Application.¹

1. This paragraph contains conclusions of law to which no responsive pleading is required. To the extent a response is required, Petitioners deny the allegations.

2. This paragraph contains conclusions of law to which no responsive pleading is required. To the extent a response is required, Petitioners deny the allegations.

3. Admitted in part; denied in part. Petitioners admit the Secretary of the Commerce delivers apportionment data, including P.L. 94-171 data, to the states. This paragraph otherwise contains conclusions of law to which no responsive pleading is required. To the extent a response is required, Petitioners deny the remaining allegations.

¹ The preliminary statements in Proposed Intervenors’ Application for Leave to Intervene, *see* App. for Leave to Intervene ¶¶ A–F, June 1, 2021, 10:38 AM, are reiterated and incorporated in Proposed Intervenors’ Memorandum of Law, to which Petitioners respond here. To the extent those statements are construed as factual allegations, they are denied for the reasons set forth herein.

4. Admitted.

5. Admitted in part; denied in part. Petitioners admit that the 2011-cycle congressional plan was not enacted until December 2011 and the 2001-cycle congressional plan was not enacted until January 2002. Paragraph 5 otherwise contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Petitioners deny the allegations.

6. Admitted in part; denied in part. Petitioners admit that the Census Bureau has not yet released the district-level data that will be used to draw official maps, although data is already available indicating that Pennsylvania's congressional districts are malapportioned. Paragraph 6 otherwise contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Petitioners deny the allegations.

7. Admitted.

8. Admitted.

9. Admitted.

10. Admitted.

11. This paragraph contains no factual averments to which a response is required. To the extent a response is deemed required, Petitioners deny that the Proposed Intervenors may file the proposed Preliminary Objections at this time

and reserve all rights to respond if the objections are properly served and filed, according to the applicable rules of procedure.

12. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, Petitioners deny the allegations.

13. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, Petitioners deny the allegations.

14. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, Petitioners deny the allegations.

15. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, Petitioners deny the allegations.

16. Admitted in part; denied in part. Petitioners admit the Proposed Intervenor are the presiding officers of the General Assembly. The remaining averments in this paragraph contain conclusions of law to which no responsive pleading is required. To the extent a response is required, Petitioners deny the allegations.

17. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, Petitioners deny the allegations.

18. Petitioners deny that their Petition asks this Court to take control over the congressional redistricting process. Paragraph 18 otherwise contains mere characterizations, legal contentions, and conclusions to which no response

is required. To the extent a response is required, Petitioners deny the allegations.

19. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, Petitioners deny the allegations.

20. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, Petitioners deny the allegations.

21. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, Petitioners deny the allegations.

22. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, Petitioners deny the allegations.

23. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, Petitioners deny the allegations.

24. Admitted in part; denied in part. Petitioners admit the Pennsylvania Supreme Court has previously permitted Pennsylvania legislative leadership to intervene in some election cases. Petitioners deny this fact means that intervention is proper in this case.

25. In response to Paragraph 25, Petitioners state that their Petition speaks for itself. Paragraph 25 otherwise contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Petitioners deny the allegations.

26. This paragraph contains opinions and conclusions of law to which

no response is required. To the extent a response is required, Petitioners deny the allegations.

27. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, Petitioners deny the allegations.

28. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, Petitioners deny the allegations.

29. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, Petitioners deny the allegations.

30. This paragraph contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Petitioners deny the allegations.

31. Admitted in part; denied in part. Petitioners admit that legislators have previously been named as original parties in prior redistricting litigation. Petitioners deny this fact means the Proposed Intervenors are proper intervenors in this case. This paragraph otherwise contains conclusions of law to which no response is required. To the extent a response is required, Petitioners deny the allegations.

32. This paragraph contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Petitioners deny the allegations.

33. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, Petitioners deny the allegations.

34. This paragraph contains conclusions of law to which no response is required. To the extent a response is required, Petitioners deny the allegations.

35. This paragraph contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Petitioners deny the allegations.

36. This paragraph contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Petitioners deny the allegations.

37. This paragraph contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Petitioners deny the allegations.

Dated: June 17, 2021

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Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Edward D. Rogers

Signature: /s/ Edward D. Rogers

Name: Edward D. Rogers

Attorney No.: 69337

CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below, I caused the foregoing Answer to be served upon the following parties and in the manner indicated below, which service satisfies the requirements of Pa. R.A.P. 121:

By PACFile:

All counsel of record

By First Class Mail:

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*Counsel for Proposed Intervenors
Bryan Cutler and Kerry Benninghoff*

Dated: June 17, 2021

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