

**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 BACHUNIS; TOM DEWALL;  
STEPHANIE MCNULTY; and JANET TEMIN,

*Petitioners,*

v.

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

*Respondents.*

**CASES  
CONSOLIDATED**

No. 464 M.D. 2021

PHILIP T. GRESSMAN; RON Y. DONAGI;  
KRISTOPHER R. TAPP; PAMELA GORKIN; DAVID P.  
MARSH; JAMES L. ROSENBERGER; AMY MYERS;  
EUGENE BOMAN; GARY GORDON; LIZ MCMAHON;  
TIMOTHY G. FEEMAN; and GARTH ISAAK,

*Petitioners,*

v.

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

*Respondents.*

No. 465 M.D. 2021

**CONSOLIDATED RESPONSE OF *GRESSMAN* PETITIONERS TO  
APPLICATIONS TO INTERVENE FILED BY SENATE AND HOUSE  
LEADERS, CITIZEN VOTERS, AND TWO GROUPS OF STATE SENATORS**

Pursuant to this Court’s scheduling order dated December 20, 2021, Petitioners in Case No. 465 M.D. 2021, Philip T. Gressman, Ron Y. Donagi, Kristopher R. Tapp, Pamela Gorkin, David P. Marsh, James L. Rosenberger, Amy Myers, Eugene Boman, Gary Gordon, Liz McMahon, Timothy G. Feeman, and Garth Isaak (collectively, “Petitioners”), hereby respond to the applications to intervene filed by four separate groups, referred to collectively herein as the “Proposed Intervenors.”<sup>1</sup>

In principle, Petitioners—a group of nonpartisan Pennsylvania voters who are also mathematicians and data scientists—do not object to the participation of Proposed Intervenors in the judicial remedial process for congressional redistricting. Petitioners do object, however, to any effort by any Proposed Intervenor to intervene for the purpose of frustrating the timely progression of these proceedings. Petitioners have requested that the Supreme Court exercise extraordinary or King’s Bench jurisdiction over these proceedings because there is no time for two levels of

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<sup>1</sup> The four sets of Proposed Intervenors are (1) Bryan Cutler, Speaker of the Pennsylvania House of Representatives; Kerry Benninghoff, Majority Leader of the Pennsylvania House of Representatives; Jake Corman, President Pro Tempore of the Pennsylvania Senate; and Kim Ward, Majority Leader of the Pennsylvania Senate; (2) the self-styled “Citizen-Voter Intervenors” (Leslie Oshe, Kim Geyer, Michael T. Slupe, Candee Barnes, Thomas Reep, Brandy Reep, Kenneth Lunsford, Tammy Lunsford, James Thompson, Pamela Thompson, Joseph Renwick, Stephanie Renwick, Louis Capozzi, David Ball, Mary E. Owlett, Kristine Eng, Justin Behrens, James P. Foreman, Matthew J. Stuckey, Anthony J. Luther, Linda C. Daniels, Jeffrey Piccola, James Vasilko, Jay Hagerman, and Evan P. Smith); (3) Pennsylvania State Senators Maria Collett, Katie J. Muth, Sharif Street, and Anthony H. Williams; and (4) Pennsylvania State Senators Jay Costa, Vincent J. Hughes, Wayne D. Fontana, Judy Schwank, Lisa Boscola, James Brewster, Amanda Cappelletti, Carolyn Comitta, Marty Flynn, Art Haywood, John Kane, Tim Kearney, Steve Santarsiero, Nikil Saval, Christine Tartaglione, and Lindsey Williams.

judicial review given the need to have a congressional redistricting plan that contains the correct number of districts in place before the fast-approaching primary-election deadlines. Respondents have agreed that this matter belongs in the Supreme Court.<sup>2</sup> Proposed Intervenors do not have rights greater than the parties, and all parties concur that the Supreme Court should exercise its extraordinary or King's Bench jurisdiction over this matter to provide a judicial remedy for congressional redistricting. If Proposed Intervenors wish to participate in the judicial remedial process, they must do so within the confines of the parties' views as to where and when the case should be litigated. *See Northampton Trust Co., Trustee, v. Northampton Traction Co.*, 270 Pa. 199, 205 (1921) ("The general rule is that an intervenor must take the suit as he finds it.").

Given that the petition for extraordinary jurisdiction or in the alternative King's Bench jurisdiction is pending, the more appropriate course of action with respect to the instant motions would be to hold all pending applications for intervention until the Supreme Court decides whether to take jurisdiction. If the Supreme Court takes jurisdiction, Proposed Intervenors can then file their applications to intervene with the Supreme Court. Petitioners take no position at this

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<sup>2</sup> Petitioners' Appl. for Exercise of Extraordinary Jurisdiction or King's Bench Power, No. 142 MM 2021 (Pa. Dec. 21, 2021); Carter Pls.' Appl. for Extraordinary Relief, No. 141 MM 2021 (Pa. Dec. 21, 2021); Resp'ts' Combined Answer to Pet'rs' Appl. for Exercise of Extraordinary Jurisdiction or King's Bench Power at 1, No. 142 MM 2021 (Pa. Dec. 27, 2021).

time on whether the Proposed Intervenors actually satisfy the criteria for intervention under Pennsylvania law.

Dated: December 30, 2021

Respectfully submitted,

By: /s/ Kim M. Watterson

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M.D. 2021***

**CERTIFICATE OF COMPLIANCE WITH PUBLIC ACCESS POLICY**

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: Kim M. Watterson

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**PROOF OF SERVICE**

On December 30, 2021, I caused a copy of the foregoing to be served via the electronic filing system, PACFile, upon all counsel of record.

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