

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 VOTER GROUPS,
PENNSYLVANIA ELECTED OFFICIALS, AND
CURRENT AND FORMER UNITED STATES REPRESENTATIVES**

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 six separate applications to intervene, filed by individuals who are referred to collectively herein as the “Proposed Intervenors.”¹

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 the extent any Proposed Intervenor seeks 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

¹ The six sets of Proposed Intervenors are: (1) a group of Pennsylvania voters affiliated with the Draw the Lines PA initiative (Adam Dusen, Sara Stroman, Mike Walsh, Myra Forrest, Athan Biss, Michael Skros, Susan Wood, Jean Handley, Daniel Mallinson, Jesse Stowell, Sandra Strauss, Rick Bryant, Jeffrey Cooper, Kyle Hynes, Priscilla McNulty and Joseph Amodei); (2) a group of Pennsylvania voters expressing interest in free and equal elections (a group of Pennsylvania voters affiliated with the Draw the Lines PA initiative); (3) a group of Pennsylvania voters expressing interest in voting and advocating for Republican candidates (Haroon Bashir, Valerie Biancaniello, Tegwyn Hughes, and Jeffrey Wenk); (4) Joanna E. McClinton, Pennsylvania State Representative and Leader of the Democratic Caucus of the Pennsylvania House of Representatives; (5) Tom Wolf, Governor of the Commonwealth; and (6) United States Representative Guy Reschenthaler, Swatara Township Commissioner Jeff Varner, former United States Representative Tom Marino, former United States Representative Ryan Costello, and former United States Representative Bud Shuster.

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.² Proposed Intervenor 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 any of the Proposed Intervenor 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 Intervenor can then file their applications to intervene with the Supreme Court. Petitioners take no position at this

² 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: January 3, 2022

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 January 3, 2022, 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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