Filed 10/17/2019 2:27:00 PM Commonwealth Court of Pennsylvania 578 MD 2019

IN THE

COMMONWEALTH COURT OF PENNSYLVANIA

MIDDLE DISTRICT

LEAGUE OF WOMEN VOTERS OF PENNSYLVANIA and LORRAINE HAW, Petitioners,		
V.	:	No. 578 MD 2019
KATHY BOOCHVAR, ACTING SECRETARY OF THE COMMONWEALTH, Respondent		

PETITION TO WITHDRAW PETITION TO INTERVENE AND APPEARANCE OF COUNSEL

AND NOW, comes STEPHEN A. ZAPPALA, JR., District Attorney of Allegheny County, and KEVIN F. McCARTHY, Assistant District Attorney, and respectfully asks this Honorable Court to grant the instant Petition to Withdraw for the following reasons:

1. The instant action was filed by Petitioners in an effort to strike a proposed Constitutional Amendment from the General Election Ballot, to wit, House Bill 276, 2019-2020 Session, commonly referred to as "Marsy's Law".

2. Your petitioner filed a Petition to Intervene on October 11, 2019, with the intent of advocating on behalf of the proposed amendment.

3. Having had the opportunity to speak with the representative of the Attorney General and reviewing the defense to be asserted on behalf of the Amendment, it

was apparent that the District Attorney's position will be fully and fairly presented, obviating the need for this Office to intervene. *See* Pa.R.C.P. 2329 (2).

WHEREFORE, for the foregoing reasons, your petitioner respectfully

requests this Court grant the instant petition and allow the District Attorney of Allegheny

County to withdraw the Petition to Intervene and withdraw the appearance of Counsel.

Respectfully submitted,

STEPHEN A. ZAPPALA, JR. DISTRICT ATTORNEY

By <u>/s/ Kevin F. McCarthy</u> KEVIN F. McCARTHY ASSISTANT DISTRICT ATTORNEY PA. I.D. NO. 47254

Attorneys for Appellant

PROOF OF SERVICE

I hereby certify that I am this day serving one (1) copy of the Petition to intervene upon counsel for petitioner and respondent indicated below which service satisfies the requirements of Pa.R.A.P 121:

Service by first-class U.S. mail addressed as follows:

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Dated: October 17, 2019

/s/ Kevin F. McCarthy

KEVIN F. McCARTHY ASSISTANT DISTRICT ATTORNEY PA. I.D. NO. 47254

Office of the District Attorney 401 Allegheny County Courthouse Pittsburgh, PA 15219