

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

No. 464 M.D. 2021

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,

vs.

Veronica Degraffenreid, in Her Capacity as Acting Secretary of the Commonwealth of Pennsylvania; and Jessica Mathis, in Her Capacity as Director of the Bureau of Election Services and Notaries,

Respondents.

No. 465 M.D. 2021

Philip T. Gressman; Ron Y. Donagi; Kristopher R. Tapp; Pamela A. Gorkin; David P. Marsh; James L. Rosenberger; Amy Myers; Eugene Boman; Gary Gordon; Liz McMahon; Timothy G. Feeman; and Garth Isaak

Petitioners,

vs.

Veronica Degraffenreid, in Her Capacity as Acting Secretary of the Commonwealth of Pennsylvania; and Jessica Mathis, in Her Capacity as Director of the Bureau of Election Services and Notaries,

Respondents.

STIPULATION OF FACTS

Pursuant to the order that the Court entered in these consolidated matters on January 4, 2022, 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 (collectively, the “Proposed Republican Legislator Intervenors”) have entered into the following stipulation of facts with the Carter Petitioners. The Carter Petitioners, by their counsel, have reviewed this filing and concur in it.

1. Speaker Cutler is a duly elected, qualified, and serving Member of the House of Representatives from the 100th House District, and is also the duly elected Speaker of the House of Representatives and in such capacity is the presiding officer of that body.
2. Leader Benninghoff is a duly elected, qualified, and serving Member of the House of Representatives from the 171st House District, and is also the duly elected Majority Leader of the House of Representatives and, in such capacity, leads the Republican Caucus of the House of Representatives (the “House Republican Caucus”).
3. The House Republican Caucus consists of 112 out of 203 Members of the House.
4. President Corman is a duly elected, qualified, and serving Member of the Senate from the 34th Senatorial District, and is also the duly elected President *Pro Tempore* of the Senate. In such capacity, he is the highest-ranking officer of the Senate and presides over that body in the absence of the Lieutenant Governor. *See* Pa. Const. art. II, § 9.

5. Leader Ward is a duly elected, qualified, and serving Member of the Senate from the 39th Senatorial District, and is also the duly elected Majority Leader of the Senate and, in such capacity, leads the Republican Caucus of the Senate (the “Senate Republican Caucus”).
6. The Senate Republican Caucus consists of 29 out of 48 Members of the Senate: 28 Republican Senators and 1 independent Senator who caucuses with the Republicans.
7. The Republican Legislator Intervenors timely filed their Application for Leave to Intervene on December 27, 2021.
8. Petitioners in this matter, 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 Temin (the “Carter Petitioners”) previously filed a Petition for Review in April 2021 (the “Carter I Petition”).
9. Exhibit P-6 is a true and correct copy of the Carter Petitioners’ April 2021 Petition for Review.
10. Proposed Intervenors Bryan Cutler, Speaker of the Pennsylvania House of 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 (the “Proposed Republican Legislator Intervenors”) applied to intervene in the Carter I litigation in June 2021.
11. Exhibit P-1 is a true and correct copy of the Proposed Republican Legislator Intervenors’ June 2021 Memorandum of Law in Support of Application to Intervene in Carter I.
12. The Proposed Republican Legislator Intervenors filed an opposition to Petitioners’ Applications for Exercise of Extraordinary Relief or King’s Bench Power in the Supreme Court of Pennsylvania on December 27, 2021.
13. Exhibit P-2 is a true and correct copy of the Proposed Republican Legislator Intervenors’ December 27, 2021 Opposition to Petitioners’ Applications for Exercise of Extraordinary Relief or King’s Bench Power.

14. Exhibit P-3 is a true and correct copy of the Carter Petitioners' December 29, 2021 Response to the Proposed Republican Legislator Intervenors' Opposition to Petitioners' Applications for Exercise of Extraordinary Relief or King's Bench Power.

15. Exhibit P-8 is a true and correct copy of a letter that Governor Wolf sent to Speaker Cutler and Leader Benninghoff on December 28, 2021.¹

Dated: January 6, 2022

Respectfully submitted,

/s/ Anthony R. Holtzman

/s/ Jeffry Duffy

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** Pro Hac Vice application forthcoming*

Counsel for Proposed-Intervenors Bryan

¹ While the Proposed Republican Legislator Intervenors stipulate to the authenticity of Petitioners' exhibits P-1, P-2, P-3, P-6, and P-8, they do not stipulate to their relevancy or waive any other objections regarding the admissibility of such exhibits.

Cutler, Speaker of the Pennsylvania House of Representatives. and Kerry Benninghoff, Majority Leader of the Pennsylvania House of Representatives

CERTIFICATION OF COMPLIANCE

I hereby 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.

/s/ Anthony R. Holtzman
Anthony R. Holtzman

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document upon the persons and in the manner indicated below, which service satisfies the requirements of Pa.R.A.P. 121:

Service by PACFile eService as follows:

All counsel of record

Date: January 6, 2022

/s/ Anthony R. Holtzman
Anthony R. Holtzman