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LEAGUE OF WOMEN VOTERS OF	:
PENNSYLVANIA and LORRAINE HAW,	:
	: COMMONWEALTH COURT
	: OF PENNSYLVANIA
Petitioners,	:
v.	: ORIGINAL JURISDICTION
	:
	: No. 578 MD 2019
	:
KATHY BOOCKVAR, THE ACTING	:
SECRETARY OF THE COMMONWEALTH,	:
	:
Respondent.	:
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**PETITIONERS' RESPONSE TO THE**  
**PETITION TO INTERVENE OF STEPHEN A. ZAPPALA, JR.,**  
**DISTRICT ATTORNEY OF ALLEGHENY COUNTY**

Pursuant to Pa.R.A.P. 106, this Court, when addressing a matter within its original jurisdiction, follows the practice and procedure set forth in the rules of civil procedure. *Nat'l Solid Wastes Mgmt. Ass'n v. Casey*, 600 A.2d 260, 262 (1991). Rules of Civil Procedure 2327 – 2330, therefore, control District Attorney Zappala's Petition to Intervene.

The District Attorney's Petition does not appear to conform to the requirements of Rule 2328:

Rule 2328. Petition to Intervene

(a) Application for leave to intervene shall be made by a **petition in the form of and verified in the manner of a plaintiff's initial pleading** in a civil action, setting forth the ground on which intervention is sought and a **statement of the relief or the defense which the petitioner desires to demand or assert**. The petitioner **shall attach to the petition a copy of any pleading which the petitioner will file in the action if permitted to intervene** or shall state in the petition that the petitioner adopts by reference in whole or in part certain named pleadings or parts of pleadings already filed in the action.

(emphasis added). Most notably, the District Attorney has not “attach[ed] to the petition a copy of any pleading which the petitioner will file in the action if permitted to intervene . . . .”

Petitioners League of Women Voters of Pennsylvania and Lorraine Haw take no position on whether District Attorney Zappala has standing to intervene under Pa. R.C.P. 2327. If permitted to intervene, however, District Attorney Zappala should be required to follow the same rules as the other parties – the Rules

of Civil Procedure. And he should be required to meet the same obligations as other parties. Indeed, that is what the Rules require:

Rule 2330. Practice

(a) After the entry of an order allowing intervention, **the intervener shall have all the rights and liabilities of a party to the action.**

(b) Any party to the action may amend any pleading filed by the party to include any claim or defense available against an intervening party.

(emphasis added).

The Secretary has been ordered by this Court to “file and serve an Answer to the Application for Special Relief no later than Wednesday, October 16, 2019, at **12:00 p.m.**” (emphasis in original). If the District Attorney wishes to be a party in this litigation, he should be required to do the same.

Respectfully submitted,

Date: October 11, 2019

*/s/ Steven E. Bizar*

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*/s/ Mary Catherine Roper* \_\_\_\_\_

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**CERTIFICATION**

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

Date: October 11, 2019

/s/ Mary Catherine Roper  
Mary Catherine Roper (Pa. 71107)