

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

SENATOR JAY COSTA, SENATOR :
ANTHONY H. WILLIAMS, SENATOR : **CASES**
VINCENT J. HUGHES, SENATOR STEVEN : **CONSOLIDATED**
J. SANTARSIERO, AND SENATE :
DEMOCRATIC CAUCUS, : No. 310 MD 2021

Petitioners, :

V. :

SENATOR JACOB CORMAN III, SENATE :
PRESIDENT PRO TEMPORE, SENATOR :
CRIS DUSH, AND SENATE SECRETARY- :
PARLIAMENTARIAN MEGAN MARTIN, :

Respondents. :

COMMONWEALTH OF PENNSYLVANIA, :
PENNSYLVANIA DEPARTMENT OF : No. 322 MD 2021
STATE, AND VERONICA :
DEGRAFFENREID, ACTING SECRETARY :
OF THE COMMONWEALTH OF :
PENNSYLVANIA, :

Petitioners, :

V. :

SENATOR CRIS DUSH, SENATOR JAKE :
CORMAN, AND THE PENNSYLVANIA :
STATE SENATE INTERGOVERNMENTAL :
OPERATIONS COMMITTEE, :

Respondents. :

ARTHUR HAYWOOD :
JULIE HAYWOOD, : No. 323 MD 2021

V. :

VERONICA DEGRAFFENREID, ACTING :
SECRETARY OF STATE, :
COMMONWEALTH OF PENNSYLVANIA, :

Respondents. :

**COMMITTEE ANSWER TO APPLICATIONS FOR SUMMARY
RELIEF AND CROSS-APPLICATION FOR SUMMARY RELIEF**

Per Pa.R.A.P. 123 and 1532(b), for the reasons set forth below and in the accompanying brief, which is incorporated here by reference, Respondents Senator Cris Dush, Senator Jake Corman, and the Pennsylvania State Senate Intergovernmental Operations Committee (collectively, the “Committee”) hereby answer the pending applications for summary relief, asking that they be denied, and also cross-move for summary relief in their favor; in support of these requests, the Committee avers as follows:

1. Presently pending before the Court by the parties to the consolidated cases are three separate applications for summary relief.

2. Separately pending before the Court is a proposed application for summary relief filed by various proposed intervenors.

3. An application for summary relief can only be granted “if a party’s right to judgment is clear and no material issues of fact are in dispute.” *Hosp. & Healthsystem Ass’n of Pa. v. Com.*, 77 A.3d 587, 602 (Pa. 2013) (quotations removed).

4. As set forth fully in the accompanying brief, the movants’ rights to judgment are not clear because: (1) some of the movants lack standing; (2) the claims are not ripe at least in part; and (3) the claims

fail on their merits as a matter of law.

5. Separately, to the extent the Court's analysis depends on the "evidence" attached to the applications, that evidence is disputed, and thus the applications must be denied on that separate ground.

6. Conversely, the Committee is entitled to summary relief because the Pennsylvania Constitution affirmatively permits the Committee to engage in a legislative investigation into election matters through the Subpoena, and none of the purportedly substantive challenges to the Subpoena have merit.

7. Separately, the Committee has an independent statutory right to the information sought with the Subpoena.

WHEREFORE, the Committee respectfully requests that the Court deny the pending applications for summary relief and grant this cross-application, and enter an order compelling the Acting Secretary to respond to the Subpoena within 14 days.

Respectfully submitted,

Dated: October 22, 2021

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Committee*

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Senator Jay Costa, Senator : 310 MD 2021
Anthony H. Williams, Senator :
Vincent J. Hughes, Senator :
Steven J. Santarsiero and Senate
Democratic Caucus,
Petitioners

v.

Senator Jacob Corman III, Senate
President Pro Tempore, Senator
Cris Dush and Senate Secretary-
Parliamentarian Megan Martin,
Respondents

PROOF OF SERVICE

I hereby certify that this 22nd day of October, 2021, I have served the attached document(s) to the persons on the date(s)
and in the manner(s) stated below, which service satisfies the requirements of Pa.R.A.P. 121:

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

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IN THE COMMONWEALTH COURT OF PENNSYLVANIA

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Possible Intervenor Keirstyn Zolfo
Intervenor League of Women Voters of Pennsylvania
Possible Intervenor Make to Road Pennsylvania
Possible Intervenor Michael Zolfo
Possible Intervenor Nichita Sandru
Possible Intervenor Phyllis Hilley
Possible Intervenor Roberta Winters
Possible Intervenor Robin Roberts

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

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IN THE COMMONWEALTH COURT OF PENNSYLVANIA

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Possible Intervenor Make to Road Pennsylvania
Possible Intervenor Michael Zolfo
Possible Intervenor Nichita Sandru
Possible Intervenor Phyllis Hilley
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IN THE COMMONWEALTH COURT OF PENNSYLVANIA

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Respondent Veronica DeGraffenreid

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IN THE COMMONWEALTH COURT OF PENNSYLVANIA

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IN THE COMMONWEALTH COURT OF PENNSYLVANIA

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