
IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Carol Ann Carter, Monica Parrilla, : **CASES CONSOLIDATED**
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, :
Petitioners :

v. : No. 464 M.D. 2021

Veronica Degraffenreid, in her official :
capacity as the Acting Secretary of the :
Commonwealth of Pennsylvania; :
Jessica Mathis, in her official capacity :
as Director for the Pennsylvania :
Bureau of Election Services and :
Notaries, :
Respondents :

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

v. : No. 465 M.D. 2021

Veronica Degraffenreid, in her official :
capacity as the Acting Secretary of the :
Commonwealth of Pennsylvania; :
Jessica Mathis, in her official capacity :
as Director for the Pennsylvania :
:

Bureau of Election Services and :
Notaries, :

Respondents

CARTER PETITIONERS' RESPONSE TO THE APPLICATIONS TO INTERVENE FILED BY MEMBERS OF DEMOCRATIC CAUCUS OF THE PENNSYLVANIA SENATE AND THE LEADER OF THE DEMOCRATIC CAUCUS OF THE PENNSYLVANIA HOUSE OF REPRESENTATIVES

Pursuant to this Court's scheduling order, the *Carter* Petitioners hereby respond to the applications to intervene filed by two separate sets of legislators. The first is by Members of the Democratic Caucus of the Senate, including State Senators Jay Costa, Vincent J. Hughes, Wayne D. Fontana, Judy Schwank, Lisa Boscola, James Brewster, Amanda Cappelletti, Carolyn Comitta, Marty Flynn, Art Haywood, John Kane, Tim Kearney, Steve Santarsiero, Nikil Saval, Christine Tartaglione, and Lindsey Williams. The second is by Representative Joanna McClinton, the Leader of the Democratic Caucus of the Pennsylvania House of Legislators. Last week, the *Carter* Petitioners opposed the applications to intervene by Pennsylvania's Legislative Leaders and by a separate set of Democratic State Senators. The *Carter* Petitioners stand by those oppositions and believe the reasons to deny intervention to those legislators apply equally to the present applications.

The *Carter* Petitioners do agree with the present applicants, however, that if the Court is inclined to accept the intervention of Pennsylvania's legislators, that it should do so for all legislators who seek to intervene—not only for some. If

anything, these present applications make clear that the Legislative Leaders' application to intervene was not on behalf of the General Assembly as an institution, but rather for only a portion of the General Assembly, which the *Carter* Petitioners maintain is an independent basis to deny the Legislative Leaders' application to intervene.

At bottom, all of the legislators who seek to intervene in this action do so to advance their redistricting policy preferences. While the *Carter* Petitioners believe such an interest is insufficient for intervention—after all, all of these legislators have had and continue to have a forum for expressing their policy preferences in the Legislature itself—there is no basis to allow only a select few legislators' policy preferences to be heard in this case, particularly when the Legislative Leaders' application had the support of only one party.¹ If the Court chooses to grant the Legislative Leaders' application, it should similarly accept the applications by Senator Costa, his respective caucus, and Representative McClintock, on behalf of her respective caucus.

¹ The Legislative Leaders' application was made on behalf of the Republican caucus of the Pennsylvania General Assembly.

Dated: January 3, 2021

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* *pro hac vice* forthcoming

CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below, I caused the foregoing Response to be served upon the following parties and in the manner indicated below, which service satisfies the requirements of Pa. R.A.P. 121:

By first class mail:

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By PACFile eService:

All counsel of record as set forth in the PACFile proof of service filed herewith

Dated: January 3, 2021

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