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COMMONWEALTH COURT  
OF PENNSYLVANIA

2022 JAN 12 PM 12:05

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

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CAROL ANN CARTER; MONICA  
PARRILLA; REBECCA  
POYOUROWN; 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.

**CASES CONSOLIDATED**

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 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 MCMAHON,  
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.

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**PROPOSED HOUSE DEMOCRATIC CAUCUS INTERVENOR, JOANNA  
E. MCCLINTON'S, ANSWER TO *GRESSMAN* PETITIONERS'  
APPLICATION FOR EXPEDITED REVIEW**

NOW COMES Representative Joanna E. McClinton, Leader of the  
Democratic Caucus of the Pennsylvania House of Representatives, (“Proposed  
Intervenor”) by and through her attorneys, who files this Answer to *Gressman*  
Petitioners’ Application for Expedited Review pursuant to the Court’s Order, dated  
January 11, 2022. Proposed Intervenor avers as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.

5. Proposed Intervenor admits to the averments in Paragraph 5 concerning the dates the General Assembly adjourned, that the date the House State Government Committee voted a preliminary congressional district plan out of committee on December 15, 2021, the time periods for passing legislation in the General Assembly, and the date the Governor issued a letter. The remaining averments in Paragraph 5 do not require a responsive pleading, but to the extent they do, Proposed Intervenor denies the remaining averments.

6. A responsive pleading is not required for Paragraph 6. To the extent a responsive pleading is required, Proposed Intervenor denies all averments. Pursuant to the Court's order of January 11, 2022, Proposed Intervenor provides the following responses to *Gressman* Petitioners' proposals set forth in bullet points and which the Proposed Intervenor has designated as 6a, 6b, 6c, and 6d:

6a. Regarding the proposed 5:00 PM on January 14, 2022, deadline to submit a proposed plan supporting brief and/or a supporting expert report:

- Proposed Intervenor does not oppose the deadline as it relates to submitting a proposed plan. However, Proposed Intervenor does object to requiring supporting briefs and supporting expert reports to be submitted on that date. Additional time for parties to draft briefs and for experts to draft reports will yield more in-depth and thorough analyses for the Court to review. Furthermore, Proposed Intervenor

supports the deadlines proposed by the *Carter* Petitioners’

Application for Expedited Review giving the parties until January 21, 2022, to submit a proposed plan, supporting brief and expert report.

6b. Regarding the proposed 5:00 PM on January 19, 2022, deadline to submit a responsive brief and/or a responsive expert report addressing other parties’ proposed plans:

- Incorporating her response to 6b, Proposed Intervenor believes January 21, 2022, is a more reasonable deadline to submit a proposed plan, supporting brief, and expert report rather than the responsive briefs and/or a responsive expert report. Proposed Intervenor also supports the *Carter* Petitioners’ proposed deadline of January 26, 2022, as the date for parties to submit a responsive brief and/or responsive expert report.

6c. Whether the Court shall hold an oral argument on Friday, January 21, 2022, to consider all timely filed proposed congressional redistrict plans:

- Proposed Intervenor does not oppose this proposed date and takes no position on holding oral argument rather than conducting an evidentiary hearing. However, Proposed Intervenor incorporates her responses to 6a and 6b and supports the *Carter* Petitioners’ proposed date of January 28, 2022, for oral argument.

6d. Regarding 5:00 PM on January 24, 2022, as the date for the Court to issue its final judgment selecting a congressional redistricting plan from among the plans previously submitted:

- Proposed Intervenor incorporates her responses from 6a, 6b, and 6c, and supports the *Carter* Petitioners' proposed date of January 31, 2022, for the Court to issue final judgment selecting a plan to the extent the Court can fully evaluate the record and make a well-reasoned decision.

7. A responsive pleading is not required for Paragraph 7. To the extent a responsive pleading is required, Proposed Intervenor denies all averments.

Pursuant to the Court's order of January 11, 2022, Proposed Intervenor provides the following responses to *Gressman* Petitioners' proposals set forth as 7a and 7b:

7a. Regarding eliminating the evidentiary hearing set for January 31, 2022, and not permitting discovery:

- Proposed Intervenor takes no position as to the *Gressman* Petitioners' proposals in Paragraph 7a.

7b. Regarding a proposed deadline for the Court to make a decision that will allow for an appeal of that decision to be filed and resolved by the Supreme Court before candidates circulate their nomination papers:

- Proposed Intervenor supports the *Gressman* Petitioners' proposal in Paragraph 7b.

**WHEREFORE** the Proposed Intervenor respectfully requests that if this Honorable Court sets an expedited schedule that it uses Proposed Intervenor's suggestions as set forth above.

Respectfully Submitted,

/s/ Lam D. Truong

Lee Ann H. Murray (PA # 79638)  
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*Attorneys for Representative Joanna E.  
McClinton, Minority Leader of the  
Democratic Caucus of the Pennsylvania  
House of Representatives*

**Dated:** January 12, 2022

## VERIFICATION

I, Representative Joanna E. McClinton, hereby verify that the statements made in the foregoing document are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities.

A handwritten signature in black ink, appearing to read "Joanna E. McClinton", with a decorative flourish at the end.

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**Representative Joanna E. McClinton**

## CERTIFICATE OF COMPLIANCE

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.

Respectfully submitted,

s/ Lam D. Truong

**Lam D. Truong**  
Office of Chief Counsel,  
Democratic Caucus  
PA House of Representatives  
Room 620 Main Capitol Building  
Harrisburg, PA 17120



**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am this day effectuating service of the foregoing document upon the persons and in the manner indicated below:

**Service by electronic mail as follows:**

All Counsel of Record.

Respectfully submitted,

**Date:** January 12, 2022

*/s/ Lam D. Truong*

**Lam D. Truong**  
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