

IN COMMONWEALTH COURT OF PENNSYLVANIA

CAROL ANN CARTER, ET AL.,	:	CASES CONSOLIDATED
Petitioners,	:	
V.	:	No. 464 M.D. 2021
	:	
LEIGH M. CHAPMAN, ET AL.,	:	
Respondents.	:	
	:	
	:	
PHILIP T. GRESSMAN, ET AL.,	:	
Petitioners,	:	
	:	
V.	:	No. 465 MD 2021
	:	
LEIGH M. CHAPMAN, ET AL.,	:	
Respondents.	:	

ANSWER IN OPPOSITION TO AMENDED APPLICATION TO SUPPLEMENT THE JANUARY 14, 2022 ORDER

Intervenors Rep. Guy Reschenthaler, Jeffrey Varner, Tom Marino, Ryan Costello, and Bud Shuster (the “Congressional Intervenors”) request that the Court **deny in part** the Amended Application to Supplement the January 14, 2022 Order. As a preliminary matter, the Congressional Intervenors are prepared to satisfy proposed modification number 1 (supplying data to the other parties), and to do so today, as requested in modification number 2. The Congressional Intervenors, however, simply request that the deadline in proposed modification

number 2 be 6:00 PM instead of 5:00 PM, to facilitate the current 5:00 PM filing deadline with the Court for all other materials.

Separately, the Congressional Intervenors wholly object to proposed modification number 3 (immediate disclosure of testifying witness). Per the Court's existing schedule in this matter, the merits will not be fully briefed until 5:00 PM *on Wednesday*. Until such time as the Congressional Intervenors know which arguments they are supposed to respond to at trial upon review of Wednesday's supplemental expert reports and reply briefs (and review of the final fact stipulations, which are likewise due on Wednesday), they will not be in a reasonable position to definitively identify who will testify. The Congressional Intervenors instead request that the Court permit full briefing to close before they are compelled to make a final decision about the single witness they will be permitted to offer at trial. At a bare minimum, the Court should postpone a decision on this disclosure issue until after the already-scheduled status conference being held tomorrow afternoon.

For the foregoing reasons, the Congressional Intervenors respectfully request that the Court deny, in part, the Amended Application to Supplement.

Respectfully submitted,

Dated: January 23, 2022

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