

IN THE SUPREME COURT OF PENNSYLVANIA

CAROL ANN CARTER, *et al.*,
Petitioners,

v.

LEIGH CHAPMAN, in her capacity as Acting Secretary
of the Commonwealth of Pennsylvania; and JESSICA
MATHIS, in her capacity as Director for the Pennsylvania
Bureau of Election Services and Notaries,

Respondents.

**CASES
CONSOLIDATED**

No. 7 MM 2022

PHILIP T. GRESSMAN, *et al.*,
Petitioners,

v.

LEIGH CHAPMAN, in her capacity as Acting Secretary
of the Commonwealth of Pennsylvania; and JESSICA
MATHIS, in her capacity as Director for the Pennsylvania
Bureau of Election Services and Notaries,

Respondents.

**RESPONSE OF GRESSMAN MATH/SCIENCE PETITIONERS TO JOINT
APPLICATION FOR LEAVE TO FILE RESPONSE TO EXCEPTIONS**

Pursuant to this Court’s February 10, 2022 Order, Petitioners 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 (collectively, “the Gressman Math/Science Petitioners”) hereby respond to the Joint Application for Leave to File Briefs in Response to Exceptions to the Report and Recommendation of the Special Master, filed on February 10, 2002, by the House and Senate Republican Intervenors.

This Court’s February 2, 2022 Order permits any party or previously designated *amicus* to file exceptions to the Special Master’s February 7, 2022 report, and a brief in support, by Monday, February 14, and sets oral argument on these exceptions for Friday morning, February 18. Order, *Carter v. Chapman*, No. 7 MM 2022, ¶ 5 (Pa. Feb. 2, 2022). The House and Senate Republican Intervenors now seek leave to file briefs in response to exceptions on Thursday, February 17—the day before oral argument.

The Gressman Math/Science Petitioners see no valid reason to grant this relief. If the House and Senate Republican Intervenors wish to comment on the Special Master’s report and the congressional plan she recommended, they can file a brief on Monday, February 14, like all other parties and *amici*. Allowing only the House and Senate Republican Intervenors the chance to respond to the February 14 submissions, simply because the Special Master recommended their proposed congressional plan, would give undue deference to a recommendation that is “not entitled to *any* form of deference,” Special Master’s Report, *Carter v. Chapman*, Nos. 464 MD 2021, 465 MD 2021, at 15 n.26 (Pa. Commw. Ct. Feb. 7, 2022) (emphasis added), and would improperly place the House and Senate Republican Intervenors on a different footing from the rest of the parties and *amici*.

Nonetheless, the Gressman Math/Science Petitioners do not oppose the Intervenors’ request if (a) the Court believes that an additional round of briefing

would aid rather than hinder preparation for next Friday's oral argument, (b) *all* parties are given an equal and simultaneous opportunity to file concise response briefs, and (c) the deadline for filing such briefs is set for Wednesday, February 16, rather than the day before oral argument.

Dated: February 11, 2022

Respectfully submitted,

By: /s/ Kim M. Watterson

Sam Hirsch (PHV)
Jessica Ring Amunson (PHV)
Lindsay C. Harrison (PHV)
Tassity S. Johnson (PHV)
Claire M. Lally (PHV)
JENNER & BLOCK LLP
1099 New York Avenue, NW, Ste. 900
Washington, DC 20001
(202) 639-6000
SHirsch@jenner.com
JAmunson@jenner.com
TJohnson@jenner.com
LHarrison@jenner.com
CLally@jenner.com

April A. Otterberg (PHV)
JENNER & BLOCK LLP
353 North Clark Street
Chicago, IL 60654-3456
(312) 222-9350
AOtterberg@jenner.com

Kim M. Watterson (PA 63552)
Devin M. Misour (PA 311892)
REED SMITH LLP
225 Fifth Avenue, Ste. 1200
Pittsburgh, PA 15222
(412) 288-3131
kwatterson@reedsmith.com
dmisour@reedsmith.com

Shannon E. McClure (PA 164502)
REED SMITH LLP
Three Logan Square
1717 Arch Street, Ste. 3100
Philadelphia, PA 19103
(215) 851-8100
smcclure@reedsmith.com

***Counsel for Petitioners in
Case Nos. 465 MD 2021, 142 MM 2021***

CERTIFICATE OF COMPLIANCE WITH PUBLIC ACCESS POLICY

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

Submitted by: Kim M. Watterson

Signature: /s/ Kim M. Watterson

Name: Kim M. Watterson

Attorney No. PA 63552

PROOF OF SERVICE

On February 11, 2022, I caused a copy of the foregoing to be served via the electronic filing system, PACFile, upon all counsel of record.

/s/ Kim M. Watterson
Kim M. Watterson (PA 63552)
REED SMITH LLP
225 Fifth Avenue, Ste. 1200
Pittsburgh, PA 15222
(412) 288-3131
kwatterson@reedsmith.com